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AMENDED HOUSING ELEMENT/ FAIR SHARE PLAN

BOROUGH OF HILLSDALE, BERGEN COUNTY, NEW JERSEY

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PREPARED BY

CHRISTOPHER P. STATILE, P.A.
CONSULTING ENGINEERS & PLANNERS
3 FIR COURT
OAKLAND, NJ 07436
(201)337-7470



CAROLINE Z. REITER, P.P., AICP
PROFESSIONAL PLANNER LICENSE NO. 5343

MEMBERS OF THE HILLSDALE PLANNING BOARD

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Law Offices of Harold Ritvo, P.C.

BOARD ENGINEER

Christopher P. Statile, P.E.
Statile Associates

BOARD PLANNER

Caroline Reiter, P.P., AICP
Statile Associates

Housing Element

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INTRODUCTION

This Housing Element is required for the Borough of Hillsdale's re-petition for substantive certification pursuant to N.J.A.C. 5:96-3.4. It is prepared pursuant to the requirements of the New Jersey Council on Affordable Housing (COAH) substantive rules contained in N.J.A.C. 5:97.

The Housing Element provides a detailed analysis of the Borough of Hillsdale's population, housing and employment data, including the following:

- An inventory of the Borough's housing stock by age, condition, purchase and rental value and occupancy characteristics.
- A projection of the municipality residential growth.
- An analysis of Hillsdale's demographic characteristics.
- An analysis of the Borough's existing and possible future employment characteristics.

The fair share analysis and affordable housing information is contained in the Fair Share Plan, which follows the Housing Element.

POPULATION CHARACTERISTICS

Table 1 shows the population trends for the Borough of Hillsdale and Bergen County from 1930 to 2000. As shown, Hillsdale's population increased from 1930 to 1970, decreased from 1970 to 1990 and increased from 1990 to 2000. The greatest population increase occurred from 1950 to 1960, when Hillsdale's population increased from 4,127 to 8,734, a growth of 4,607 persons or 112 percent. The Borough's population peaked in 1970 at 11,768 persons, then declined by almost 11 percent in 1980, declined by about 7 percent in 1990, and then rose over 3 percent in 2000 for a population of 10,087 persons.

Bergen County experienced similar population changes. The County's population also grew from 1930 to 1970, declined from 1970 to 1990 and increased from 1990 to 2000. The County's population peaked in 1970 at 897,148, and then declined by almost 6 percent in 1980, declined by over 2 percent in 1990, and then increased by over 7 percent in 2000 for a population of 884,118 persons.

Table 1
POPULATION CHANGE, 1930 TO 2000
Borough of Hillsdale and Bergen County

Borough of Hillsdale

<u>Year</u>	<u>Population</u>	<u>Change</u>	
		<u>Number</u>	<u>Percent</u>
1930	2,959	-----	-----
1940	3,438	479	16.19
1950	4,127	689	20.04
1960	8,734	4,607	111.63
1970	11,768	3,034	34.74
1980	10,495	(1,273)	(10.82)
1990	9,750	(745)	(7.10)
2000	10,087	337	3.46

Bergen County

<u>Year</u>	<u>Population</u>	<u>Change</u>	
		<u>Number</u>	<u>Percent</u>
1930	364,977	-----	-----
1940	409,646	44,669	12.24
1950	539,139	129,493	31.61
1960	780,255	241,116	44.72
1970	897,148	116,893	14.98
1980	845,385	(51,763)	(5.77)
1990	825,380	(20,005)	(2.37)
2000	884,118	58,738	7.12

Source: Bergen County Data Book, 2003.

Population Composition by Age

Hillsdale's population by age groups for 1990 and 2000 are shown on Table 2. Increases were posted in the under 5, 5-14, 35-44, 45-54 and 65 and older age cohorts.

Table 2
POPULATION BY AGE, 1990 & 2000
Borough of Hillsdale

	<u>1990 Population</u>		<u>2000 Population</u>	
	<u>Persons</u>	<u>Percent</u>	<u>Persons</u>	<u>Percent</u>
Under 5	625	6.4	736	7.3
5-14	1,202	12.3	1,468	14.6
15-24	1,229	12.6	931	9.2
25-34	1,335	13.7	1,081	10.7
35-44	1,578	16.2	1,843	18.3
45-54	1,353	13.9	1,487	14.7
55-64	1,153	11.8	1,048	10.4
65+	<u>1,275</u>	<u>13.1</u>	<u>1,493</u>	<u>14.8</u>
TOTALS	9,750	100.0	10,087	100

Source: U.S. Bureau of the Census, 1990 & 2000.

Table 3 provides the age cohort distribution for Hillsdale and Bergen County. As shown, the Borough and County posted increases and decreases in most of the same age groups. Both Hillsdale and Bergen County posted increases in the under 5, 5-14, 35-44 and 45-54 age cohorts. The Borough showed an increase in the 65 and older age group while the County posted a very minor decrease (0.1 percent).

As shown, the median age in the Borough increased from 38.1 in 1990 to 39.5 in 2000. The County had a similar growth in median age, increasing from 37.6 in 1990 to 39.5 in 2000.

Table 3
PERCENTAGE POPULATION DISTRIBUTION, 1990 & 2000
Borough of Hillsdale and County of Bergen

	<u>1990</u>		<u>2000</u>	
	<u>Borough</u>	<u>County</u>	<u>Borough</u>	<u>County</u>
Under 5	6.4	5.9	7.3	6.3
5-14	12.3	11.0	14.6	13.1
15-24	12.6	12.4	9.2	10.3
25-34	13.7	16.5	10.7	13.3
35-44	16.2	15.7	18.3	17.3
45-54	13.9	12.1	14.7	14.6
55-64	11.8	11.1	10.4	9.9
65+	<u>13.1</u>	<u>15.3</u>	<u>14.8</u>	<u>15.2</u>
TOTALS	100.0	100.0	100.0	100.0
Median Age	38.1	37.6	39.5	39.1

Source: U.S. Bureau of the Census, 2000 & Borough of Hillsdale
Housing Element/Fair Share Plan, 1999.

EXISTING HOUSING CHARACTERISTICS

Type of Household

A household is a family that lives together in the same housing unit. As shown in Table 4, there were 3,502 households in the Borough of Hillsdale in 2000. The majority of the households (84 percent) consisted of two or more persons. The remaining 16 percent were one person households. The majority of the two person households were classified as married couple families, either with or without children.

Table 4
TYPES OF HOUSEHOLDS, 2000
 Borough of Hillsdale

<u>Type of Household</u>	<u>2000 Total</u>	Number in <u>Subgroup</u>	Percent of <u>Total</u>
TOTAL HOUSEHOLDS	3,502		
One Person		551	15.73
Male Householder	186		5.31
Female Householder	365		10.42
Two or More Persons		2,951	84.27
<i>Married Couple Family</i>		<i>2,480</i>	<i>70.82</i>
With Own Children Under 18	1,212		34.61
With No Related Children	1,268		36.21
<i>Other Family</i>		<i>369</i>	<i>10.54</i>
Male Householder	98		2.80
With Own Children Under 18	25		0.71
With No Related Children	73		2.08
Female Householder	271		7.74
With Own Children Under 18	99		2.83
With No Related Children	172		4.91
<i>Non-Family Households</i>		<i>102</i>	<i>2.91</i>
Male Householder	52		1.48
Female Householder	43		1.23

Household Size

As shown in Table 5, the average household size in the Borough of Hillsdale decreased from 2.93 in 1990 to 2.87 in 2000. The County's average household size remained constant at 2.64 during this time period.

Table 5 shows the 1990 and 2000 households by number of persons in the Borough of Hillsdale and Bergen County. As indicated, there were changes in all categories of household size for the Borough and County. The Borough's most significant shifts were in the increase in one and two person households and the decrease in 6 and over person households. The County experienced increases in all categories of household size.

As shown in Table 5, in 2000 there were 3,502 households in the Borough. This represents a 5.3 percent increase from 1990, when there were 3,326 households in Hillsdale. Bergen County experienced a larger increase from 1990 to 2000, when the number of households increased by over 7 percent, from 308,881 to 330,817.

Table 5
OCCUPIED HOUSING UNITS BY HOUSEHOLD SIZE, 1990 & 2000
Borough of Hillsdale & Bergen County

Borough of Hillsdale

Household Size	<u>1990</u>		<u>2000</u>		<u>Change</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 person	483	14.52	551	15.7	68	14.08
2 person	1,017	30.58	1,128	32.2	111	10.91
3 person	705	21.20	661	18.9	(44)	(6.24)
4 person	692	20.81	736	21.0	44	6.36
5 person	283	8.51	308	8.8	25	8.83
6+ person	146	4.39	118	3.4	(28)	(19.18)
TOTALS	3,326	100.00	3,502	100.0	176	5.29
Persons Per Household	2.93		2.87		(0.06)	(2.05)

County of Bergen

Household Size	<u>1990</u>		<u>2000</u>		<u>Change</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1 person	71,607	23.18	81,573	24.66	9,966	13.92
2 person	97,996	31.73	101,508	30.68	3,512	3.58
3 person	56,782	18.38	57,800	17.47	1,018	1.79
4 person	50,456	16.34	54,277	16.41	3,821	7.57
5 person	21,310	6.90	23,625	7.14	2,315	10.86
6+ person	10,730	3.47	12,034	3.64	1,304	12.15
TOTALS	308,881	100.00	330,817	100.00	21,936	7.10
Persons Per Household	2.64		2.64		0.00	0.00

Source: U.S. Bureau of the Census, 1990 & 2000.

Per Capita and Household Income

Table 6 details the 1989 and 1999 per capita and household incomes for the Borough, County, and State. As shown, the Borough's 1999 household income was \$17,663 greater than the County and \$27,758 greater than the State. The Borough's 1999 per capita income was greater than the County and State, by \$1,013 and \$7,645 respectively. The Borough, County and State's household income levels all posted increases from 1989 to 1999 as well.

Table 6
PER CAPITA AND HOUSEHOLD INCOME, 1989 & 1999
Borough of Hillsdale, County of Bergen and State of New Jersey

	1989 Per Capita Money Income	1999 Per Capita Money Income	1989 Median Household Income	1999 Median Household Income
Hillsdale	\$24,442	\$34,651	\$62,039	\$82,904
Bergen Co.	\$24,080	\$33,638	\$49,249	\$65,241
New Jersey	\$18,714	\$27,006	\$40,927	\$55,146

Source: U.S. Bureau of the Census &
Borough of Hillsdale Housing Element/Fair Share Plan, 1999.

Household Income Distribution

Table 7 details the 1999 household income for the Borough and County. More than 56 percent of Hillsdale's households earned \$75,000 or more. Over 43 percent of the County households posted incomes of \$75,000 or more.

Table 7
HOUSEHOLD INCOME DISTRIBUTION, 1999
Borough of Hillsdale and County of Bergen

Income Levels	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$10,000	106	3.04	16,418	4.96
\$10,000 - \$14,999	65	1.86	12,028	3.64
\$15,000 - \$24,999	178	5.10	25,022	7.56
\$25,000 - \$34,999	201	5.76	27,776	8.39
\$35,000 - \$49,999	381	10.93	43,546	13.16
\$50,000 - \$74,999	593	17.01	62,841	18.99
\$75,000 - \$99,999	618	17.72	48,612	14.69
\$100,000 - \$150,000	764	21.91	51,224	15.48
\$150,000 or more	<u>581</u>	<u>16.66</u>	<u>43,424</u>	<u>13.12</u>
TOTALS	3,487	100.00	330,891	100.00

Source: U.S. Bureau of the Census, 2000.

Housing Affordability

Table 8 identifies the 2008 maximum income limits for low, very low and moderate income households in Housing Region 1. The Council on Affordable Housing (COAH) has located all of Bergen, Hudson, Passaic, and Sussex Counties in Housing Region 1.

Table 8
COUNCIL ON AFFORDABLE HOUSING
2008 REGIONAL INCOME LIMITS
HOUSING REGION 1

<u>Household Size</u>	<u>Moderate Income</u>	<u>Low Income</u>	<u>Very Low Income</u>
1 Person	\$43,160	\$26,975	\$16,185
1.5 Person	\$46,243	\$28,902	\$17,341
2 Person	\$49,326	\$30,829	\$18,497
3 Person	\$55,492	\$34,682	\$20,809
4 Person	\$61,658	\$38,536	\$23,122
4.5 Person	\$64,124	\$40,077	\$24,046
5 Person	\$66,590	\$41,619	\$25,971
6 Person	\$71,523	\$44,702	\$26,821
7 Person	\$76,455	\$47,785	\$28,671
8 Person	\$81,388	\$50,868	\$30,521

Source: The New Jersey Council on Affordable Housing.

Housing Unit Data

In 2000, there were 3,547 housing units in Hillsdale of which 3,502 or over 98 percent were occupied. The County had 339,820 housing units in 2000, of which 330,817 or 97 percent were occupied.

As shown in Table 9, owner occupied housing units comprised a greater percentage of the Borough's housing stock than the County's housing stock. In 2000, approximately 89 percent of the Borough's housing stock, versus 68 percent of the County's housing stock, was owner occupied.

Table 9
HOUSING UNIT DATA, 2000
Borough of Hillsdale, County of Bergen

	<u>Hillsdale</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Unit Type				
Occupied	3,502	<u>98.73</u>	330,817	97.35
Vacant, Seasonal & Migratory	<u>45</u>	<u>1.27</u>	<u>9,003</u>	<u>2.65</u>
Total	3,547	100.00	339,820	100.00
Owner vs. Renter Occupied Units				
Owner Occupied	3,119	89.11	222,273	67.19
Renter Occupied	<u>383</u>	<u>10.89</u>	<u>108,544</u>	<u>32.81</u>
Total Occupied Units	3,502	100.00	330,817	100.00

Source: U.S. Bureau of the Census, 2000.

Year Householder Moved Into Unit

Table 10 provides the year the current householders moved into their units for both the Borough of Hillsdale and Bergen County. As shown, 25 percent of Borough households moved into their current residences after 1994. In contrast, almost 40 percent of the households in Bergen County moved into their current residences after 1994. In addition, over 38 percent of Borough households moved into their current residences before 1980. Less than 29 percent of Bergen County households moved into their current residences during this same time period.

Table 10
YEAR HOUSEHOLDER MOVED INTO UNIT, 2000
Borough of Hillsdale and County of Bergen

Year Householder Moved Into Unit	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
1999 - March 2000	199	5.68	45,223	13.67
1995 -1998	677	19.33	86,439	26.13
1990 - 1994	647	18.48	50,477	15.26
1980 -1989	635	18.13	53,533	16.18
1970 - 1979	549	15.68	39,247	11.86
Before 1970	795	22.70	55,898	16.90
TOTAL	3,502	100.00	330,817	100.00

Source: U.S. Bureau of the Census, 2000.

Housing Unit Information

Table 11 includes a variety of information on the Borough of Hillsdale and Bergen County 2000 housing stocks, including when the housing was built, the number of units per structure, and the number of rooms and bedrooms per unit.

As shown, almost 88 percent of the Borough's housing stock consists of single family detached structures. In contrast, single family detached homes comprise approximately 55 percent of the County's stock.

As shown in Table 10, the Borough's housing stock contains more rooms and bedrooms than the County's housing stock. In 2000, almost 43 percent of Hillsdale's housing units contained eight or more rooms, while 23 percent of the County's housing stock recorded the same features. Additionally, about 82 percent of the Borough's housing units contain three or more bedrooms, compared with approximately 57 percent of the County's housing stock.

Finally, approximately 52 percent of the Borough's housing stock was built from 1950 through 1969. This housing boom corresponds with the population growth during this time. Similarly, about 39 percent of the County's housing stock was built during this twenty-year period.

Table 11
HOUSING UNIT INFORMATION, 2000
Borough of Hillsdale and County of Bergen

	<u>Borough</u> <u>Number</u>	<u>Percent</u>	<u>County</u> <u>Number</u>	<u>Percent</u>
TOTAL UNITS	3,547		339,820	
<u>Units in Structure</u>				
One (Single Family Detached)	3,120	87.96	188,018	55.33
One (Single Family Attached)	59	1.66	13,335	3.92
Two+ Units	362	10.21	137,344	40.42
Mobile Home, Trailer, Other	6	0.17	1,123	0.33
<u>Number of Rooms</u>				
1 Room	24	0.68	6,444	1.90
2 Rooms	19	0.54	13,937	4.10
3 Rooms	219	6.17	43,693	12.86
4 Rooms	69	1.95	44,561	13.11
5 Rooms	256	7.22	48,018	14.13
6 Rooms	571	16.10	54,745	16.11
7 Rooms	866	24.41	49,178	14.47
8 Rooms	829	23.37	38,081	11.21
9+ Rooms	694	19.57	41,163	12.11
<u>Number of Bedrooms</u>				
No Bedroom	35	0.99	7,914	2.33
1 Bedroom	236	6.65	61,251	18.02
2 Bedrooms	342	9.64	78,354	23.06
3 Bedrooms	1,463	41.25	111,099	32.69
4 Bedrooms	1,165	32.84	60,918	17.93
5+ Bedrooms	306	8.63	20,284	5.97
<u>Year Structure Built</u>				
1999 to March 2000	0	0.00	2,836	0.83
1995 -1998	59	1.66	7,374	2.17
1990 - 1994	43	1.21	9,763	2.87
1980 -1989	231	6.51	26,363	7.76
1970 - 1979	247	6.96	33,209	9.77
1960 - 1969	761	21.45	52,475	15.44
1950 - 1959	1,084	30.56	81,675	24.03
1940 - 1949	344	9.70	49,025	14.43
1939 or earlier	778	21.93	77,100	22.69

Source: U.S. Bureau of the Census, 2000.

Housing Conditions

Housing conditions in Hillsdale are excellent. As shown in Table 12, there are 5 units that lack complete plumbing facilities and 11 units that lack complete kitchen facilities. These units comprise less than one percent of the housing stock. Similarly, approximately one percent of the Borough's housing contains more than one person per room, which is an indicator of overcrowding.

Bergen County also has very good housing conditions. As shown in Table 12, less than one percent of its units lack complete plumbing and kitchen facilities, and approximately four percent of its housing stock contains more than one person per room.

Table 12
INDICATORS OF HOUSING CONDITIONS, 2000
Borough of Hillsdale & County of Bergen

	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
<u>Total Units</u>	3,547		339,820	
Units Lacking Complete Plumbing	5	0.14	1,552	0.46
Units Lacking Kitchen Facilities	11	0.31	1,744	0.51
<u>Persons per Room, Occupied Units</u>				
0.50 or less	2,750	78.53	225,108	68.05
0.51 to 1.00	711	20.30	91,276	27.59
1.01 to 1.50	6	0.17	8,117	2.45
1.51 to 2.00	27	0.77	4,520	1.37
<u>2.01 or more</u>	<u>8</u>	<u>0.23</u>	<u>1,796</u>	<u>0.54</u>
Total Occupied Units	3,502	100.00	330,817	100.00

Source: U.S. Bureau of the Census, 2000.

Housing Values

Table 13 shows 2000 housing values for the Borough of Hillsdale and Bergen County. As indicated, over 86 percent of the Borough homes are valued at or over \$200,000. This is greater than the entire County where about 66 percent are valued at or over \$200,000. Additionally, the Borough's median housing value of \$290,600 is \$49,800 greater than the County's \$240,800 median housing value.

Table 13
OWNER OCCUPIED HOUSING VALUES, 2000
Borough of Hillsdale and County of Bergen

Housing Value	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$79,000	11	0.35	5,842	2.63
\$80,000 - \$99,999	9	0.29	3,074	1.38
\$100,000 - \$149,000	63	2.02	14,424	6.49
\$150,000 - \$199,999	334	10.72	51,425	23.14
\$200,000 - \$299,999	1,260	40.45	75,743	34.08
\$300,000 - \$399,999	959	30.79	32,823	14.77
\$400,000 - \$499,999	300	9.63	16,389	7.37
\$500,000 - \$749,999	179	5.75	14,019	6.31
\$750,000 - \$999,999	0	0.00	4,939	2.22
\$1,000,000 or more	0	0.00	3,559	1.60
TOTAL	3,115	100.00	222,237	100.00
Median Value	\$ 290,600		\$ 240,800	

Source: U.S. Bureau of the Census, 2000.

Contract Rents

Table 14 details the contract rents for renter-occupied units in Hillsdale and Bergen County. As shown, the median monthly rent in Hillsdale was \$850, with over 42 percent of the renter occupied units having contract rents of over \$900. About 34 percent of the Bergen County rental units had rents greater than \$900, and the mean monthly rent was \$805.

Table 14
CONTRACT RENTS, 2000
SPECIFIED RENTER-OCCUPIED HOUSING UNITS
Borough of Hillsdale and County of Bergen

<u>Contract Rents</u>	<u>Borough</u>		<u>County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Less than \$299	36	9.30	5,331	4.92
\$300-\$399	0	0.00	1,712	1.58
\$400-\$449	0	0.00	1,653	1.52
\$450-\$499	42	10.85	1,782	1.64
\$500-\$549	12	3.10	3,474	3.20
\$550-\$599	0	0.00	3,243	2.99
\$600-\$649	7	1.81	6,637	6.12
\$650-\$699	6	1.55	7,984	7.36
\$700-\$749	17	4.39	10,016	9.24
\$750-\$899	84	21.71	26,368	24.32
\$900-\$999	44	11.37	11,703	10.79
\$1,000-\$1,999	104	26.87	21,877	20.17
\$2,000 or more	16	4.13	3,085	2.84
No cash rent	<u>19</u>	<u>4.91</u>	<u>3,576</u>	<u>3.30</u>
TOTAL	387	100.00	108,441	100.00
Mean Rent	\$850		\$805	

Source: U. S. Bureau of the Census, 2000.

EMPLOYMENT DATA

Class of Worker

The class of worker found in the Borough and County are detailed in Table 15. The largest group of workers for both the Borough and County are private wage and salary, comprising approximately 75 and 76 percent, respectively. Self-employed workers comprised the second largest class of Borough workers (approximately 14 percent) and Bergen County workers (approximately 12 percent).

Occupational Characteristics

The occupations of the Borough and County's residents are shown on Table 15. The largest occupational group in the Borough is sales and office occupation, representing almost 32 percent of resident employment. The second largest group is professional employment, which represents over 26 percent of resident employment.

Bergen County's largest occupational category is also sales and office occupations which represents more than 30 percent of the County's workforce. The County's second largest occupation group is professional employment, posting over 24 percent of all occupational categories.

Commuting to Work

As shown in Table 15, about 78 percent of workers from the Borough of Hillsdale drove to work alone, compared with almost 73 percent for the County overall. Approximately 8 percent of the remaining Borough workers carpooled and 7 percent utilized public transportation. A greater percentage of County workers carpooled or took public transportation (almost 10 percent and almost 11 percent, respectively).

Table 15
OCCUPATIONAL CHARACTERISTICS, 2000
Borough of Hillsdale and Bergen County

<u>Class of Worker (Employed civilians 16+)</u>	<u>Hillsdale</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Private wage and salary, employees	3,823	75.57	333,603	76.64
Local government	384	7.59	32,690	7.51
State government	82	1.62	9,630	2.21
Federal government	36	0.71	6,297	1.45
Self-employed	728	14.39	51,851	11.91
Unpaid family	6	0.12	1,206	0.28
TOTAL	5,059	100.00	435,277	100.00

<u>Occupation Group (Employed civilians 16+)</u>	<u>Hillsdale</u>		<u>Bergen County</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
Management, Business & Financial Operations	983	19.43	82,713	19.00
Professional & Related Occupation	1,343	26.55	104,763	24.07
Service Occupations	553	10.93	47,431	10.90
Sales & Office Occupations	1,612	31.86	131,602	30.23
Farming, forestry and fishing	0	0.00	180	0.04
Construction, Extraction & Maintenance	382	7.55	28,834	6.62
Production, Transportation & Material	186	3.68	39,754	9.13
TOTAL	5,059	100.00	435,277	100.00

<u>Commuting to Work (Employed Persons 16+)</u>				
Drove alone	3,928	78.33	311,325	72.83
Carpool	396	7.90	41,284	9.66
Public transportation	347	6.92	46,957	10.99
Other means	16	0.32	1,582	0.37
Walked, bicycle, motorcycle or work at home	328	6.54	26,314	6.16
TOTAL	5,015	100.00	427,462	100.00

Source: U.S. Bureau of the Census, 2000.

Table 16 provides data on public and private sector jobs within the Borough of Hillsdale. The public sector jobs are shown by both federal and local government employment. The data covers the years 2003 through 2006 and is from the New Jersey Department of Labor website.

As shown the total number of jobs in the Borough increased each year from 2003 to 2006. The largest increase was in 2006, which followed the smallest increase posted in 2005.

Table 16
ANNUAL EMPLOYMENT, DECEMBER OF EACH YEAR, 2003-2006
Borough of Hillsdale

<u>Year</u>	<u>Private Sector</u>	<u>Federal Govt.</u>	<u>Local Govt.</u>	<u>Total</u>	<u>Change</u> <u>Number</u>	<u>Percent</u>
2003	1,835	42	455	2,332	---	---
2004	1,874	43	494	2,411	79	3.4
2005	1,887	40	504	2,431	20	0.8
2006	1,933	39	567	2,539	108	4.4

Source: New Jersey Department of Labor Website, October 2008.

RESIDENTIAL CONSTRUCTION

Dwelling Units Authorized

Table 17 contains data on dwelling units authorized by certificate of occupancy and demolished with a demolition permit from 1999 through October 2008. The data is from the COAH website and the Hillsdale Building Department.

During the 10 year period studies there were a total of 54 new dwelling units authorized by certificate of occupancy and 48 housing units demolished, for a net increase of 6 new housing units. The largest number of new units (11) was posted in 2006.

Table 17
NEW DWELLING UNITS CERTIFIED BY CERTIFICATE
OF OCCUPANCY & HOUSING UNITS DEMOLISHED, 1999-2008
Borough of Hillsdale

<u>Year</u>	<u>New Units</u>	<u>Demolitions</u>	<u>Net Increase</u>
1999	3	5	(2)
2000	7	6	1
2001	7	6	1
2002	5	2	3
2003	4	6	(2)
2004	6	4	2
2005	6	6	0
2006	11	5	6
2007	4	7	(3)
2008*	<u>1</u>	<u>1</u>	<u>0</u>
TOTALS	54	48	6

*Through October 1, 2008

Source: New Jersey Council on Affordable Housing Website
Borough of Hillsdale Building Department

POPULATION AND EMPLOYMENT PROJECTIONS

Population Projection

Table 18 provides a future population projection prepared by the North Jersey Transportation Planning Authority, Inc (NJTPA). As shown, the NJTPA projects that Hillsdale's population will increase by about 100 persons, or 1 percent, to 10,190 in 2015.

Table 18
POPULATION PROJECTION, 2000 – 2015
Borough of Hillsdale

<u>2000</u> <u>Population</u>	<u>2005</u> <u>Population</u>	<u>2010</u> <u>Population</u>	<u>2015</u> <u>Population</u>	<u>Change, 2000 - 2015</u>	
				<u>Number</u>	<u>Percent</u>
10,087	10,060	10,100	10,190	103	1.02

Source: North Jersey Transportation Planning Authority, Inc.

Employment Projection

Table 19 provides a 2015 employment projection for the Borough of Hillsdale prepared by the NJTPA. As shown in Table 18, NJTPA projects a 2015 employment level of 3,870 in the Borough. The 2015 projection is a 100 job, or under 3 percent increase from the 2000 employment level. These employment projections appears high for the Borough due to the lack of vacant land available for nonresidential development.

Table 19
EMPLOYMENT PROJECTION, 2000 – 2015
Borough of Hillsdale

<u>2000</u> <u>Employment</u>	<u>2005</u> <u>Employment</u>	<u>2010</u> <u>Employment</u>	<u>2015</u> <u>Employment</u>	<u>Change, 2000 - 2015</u>	
				<u>Number</u>	<u>Percent</u>
3,770	3,790	3,810	3,870	100	2.65

Source: North Jersey Transportation Planning Authority, Inc.

COAH Petition Application



State of New Jersey
COUNCIL ON AFFORDABLE HOUSING

101 SOUTH BROAD STREET

PO Box 813

TRENTON NJ 08625-0813

(609) 292-3000

FAX: (609) 633-6056

coahmail@dca.state.nj.us

JON S. CORZINE
Governor

JOSEPH V. DORIA, JR.
Commissioner

LUCY L. VANDENBERG
Executive Director

November 10, 2008

L. Harold Karns, Administrator
Borough of Hillsdale
380 Hillsdale Avenue
Hillsdale, NJ 07642

Dear Mr. Karns:

Enclosed is an executed original of the Escrow Agreement for the Affordable Housing Trust Fund for the Borough of Hillsdale. A second executed original is being forwarded to TD Bank under copy of this letter.

COAH has retained the third executed original of the agreement for our files.

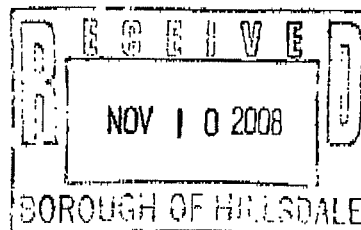
If you have any questions, please call Larissa DeGraw at (609) 633-9575.

Sincerely,

Lucy Vandenberg
Executive Director

Enclosure

cc: Dan Cannon, TD Bank
Kate Butler, COAH Planner (w/o enclosure)



10/10/08 11:03 1010000002 BOROUGH OF HILLSDALE PAGE 02707

NOTE: *In order for COAH to execute a three-party escrow agreement, the municipality must submit three copies of the agreement, all with original signatures from the municipal representative and the bank representative.*

This Escrow Agreement made this 31st day of October, 2008, by and between the Council on Affordable Housing (COAH) and Borough of Hillsdale and TD Bank.

WHEREAS, a municipality may impose, collect and spend development fees and establish an affordable housing trust fund that includes, development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq.; and

WHEREAS, on December 10, 2007 COAH approved the Borough of Hillsdale Development Fee Ordinance establishing standards for the collection, maintenance and expenditure of development fees consistent with COAH's rules and P.L.2008, c.46 (C. 52:27D-329.1 et al) and requiring that funds shall only be applied directly toward implementation of the Borough of Hillsdale's COAH-certified Fair Share Plan or Court Judgment of Compliance; and

WHEREAS, on March 4, 2008 the governing body of the Borough of Hillsdale adopted Ordinance No. 08 05 the Development Fee Ordinance of the Borough of Hillsdale, amending the Municipal Code; and

WHEREAS, COAH has not yet approved a spending plan for the Borough of Hillsdale acknowledges that no expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. may occur prior to COAH's approval of a spending plan; and

WHEREAS, the Development Fee Ordinance requires an interest-bearing housing trust fund to be established for the purpose of receiving collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units;

Page (2)

and/or any other funds collected in connection with Borough of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and provides that no money shall be expended from the housing trust fund unless the expenditure conforms to the Development Fee Ordinance, a spending plan approved by COAH and the conditions set out at N.J.A.C. 5:97-8.7-8.9; and

WHEREAS, COAH's approval of the Development Fee Ordinance further requires The Borough of Hillsdale's, within seven days of opening the trust fund account authorized by the ordinance, to enter into an escrow agreement with COAH pursuant to N.J.A.C. 5:97-8.2(a) to enable COAH to monitor disbursement of collected development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. and to direct the forfeiture of such funds after proper notice if their imposition, collection and/or expenditure are not in conformance with the terms of the approved Development Fee Ordinance, the conditions set out at N.J.A.C. 5:97-8.13(a), the spending plan approved by COAH, and P.L.2008, c.46 (C. 52:27D-329.1 et al); and

WHEREAS, the Development Fee Ordinance further provides that if COAH determines that the imposition, collection, and/or expenditure of development fees are not in conformance with the terms of the approved Development Fee Ordinance, approved spending plan, and P.L.2008, c.46 (C. 52:27D-329.1 et al), COAH may, after a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., revoke a Development Fee Ordinance approval and direct the transfer of funds including future collection of non-residential development fees to the New Jersey Affordable Housing Trust Fund.

NOW THEREFORE, COAH, the Borough of Hillsdale and TD Bank agree as follows:

1. Designation of Escrow Agent

COAH and Borough of Hillsdale hereby designate TD Bank as their escrow agent, upon terms and conditions set forth herein, for the purpose of (a) receiving development fees, payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough

Page (3)

of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. collected by the Borough of Hillsdale, (b) holding such sums in the escrow account hereinafter described, and (c) disbursing the monies upon the direction of the Borough Administrator of the Borough of Hillsdale consistent with the spending plan approved by COAH.

2. Escrow Account

The Borough of Hillsdale shall deposit all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. with the escrow agent and said escrow agent shall establish a separate, interest bearing account to be known as the COAH Trust Account and shall deposit therein such initial funds, as well as all subsequent development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq. received from Hillsdale. At no time shall the escrow agent co-mingle the funds deposited in the Account with any other funds or accounts held or maintained by the escrow agent, nor shall the escrow agent at any time set off any amount on deposit in the Account against (a) any indebtedness owed to the escrow agent by the Borough of Hillsdale or any other party, (b) any other obligation owed to the escrow agent by the Borough of Hillsdale or any other party, or (c) any claim which the escrow agent may have against the Borough of Hillsdale or any other party.

3. Application of Amounts on Deposit

The funds in the Account shall only be used for eligible affordable housing activities of the Borough of Hillsdale as set forth in a spending plan approved by COAH. The Bank shall disburse funds in the Account upon the direction of the Borough Administrator of the Borough of Hillsdale, unless notified otherwise by COAH.

4. Cessation of Disbursements from Funds and Forfeiture of Funds to the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320) COAH shall have the authority to halt disbursements by the Borough of

Page (4)

Hillsdale from the Account upon written notice to the Bank and to direct all remaining funds to the New Jersey Affordable Housing Trust Fund. COAH shall have such authority if it determines, after notice to the Borough of Hillsdale, that the municipality is not in compliance with all conditions set out in N.J.A.C. 5:97-8.13(a), the Spending Plan and the Development Fee Ordinance. Upon receipt of written notice to cease disbursements from the Account, the Bank shall immediately halt disbursements by the Borough of Hillsdale until further written notice from COAH. The Bank shall allow the transfer of funds by COAH to the New Jersey Affordable Housing Trust Fund on behalf of the Borough of Hillsdale. COAH shall provide the Borough of Hillsdale municipal clerk and chief financial officer with copies of all written notices.

In the event that any of the following conditions, as set out in N.J.A.C. 5:97-8.13(a) occur, COAH shall be authorized on behalf of the Borough of Hillsdale and consistent with its rules and P.L.2008, c.46 (C. 52:27D-329.1 et al), to transfer all development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale's affordable housing program in accordance with P.L.2008, c.46 (C. 52:27D-329.1 et al) and the regulations of COAH at N.J.A.C. 5:97-8.1 et seq., to the New Jersey Affordable Housing Trust Fund :

- a. Failure to meet deadlines for information required by COAH in its review of a Housing Element and Fair Share Plan, development fee ordinance or plan for spending fees;
- b. Failure to address COAH's conditions for approval of a plan to spend development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with the Borough of Hillsdale's affordable housing program within the deadlines imposed by COAH;
- c. Failure to address COAH's conditions for substantive certification within deadlines imposed by COAH;
- d. Failure to submit accurate annual monitoring reports pursuant to N.J.A.C. 5:97-8.12(a) within the time limits imposed by COAH;

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- e. Failure to implement the Spending Plan and expend the funds within the time schedules specified in the Spending Plan, including the requirement to spend the remaining trust fund balance pursuant to N.J.A.C. 5:97-8.10(a)8 and collected fees pursuant to P.L.2008, c.46 (C.52:27D-329.2(8.d) & C.52:27D-329.3(9.b)) within four years;
- f. Expenditure of development fees; payments from developers in lieu of constructing affordable units on-site; developer-contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible; rental income from municipally operated units; repayments from affordable housing program loans; recapture funds; proceeds from the sale of affordable units; and/or any other funds collected in connection with [insert municipal name]'s affordable housing program on activities not permitted by COAH;
- g. Revocation of certification; or
- h. Other good cause demonstrating that the revenues are not being used for the approved purpose.

5. Standard of Care; Indemnification

The Bank shall use reasonable care and due diligence in the performance of all of its duties hereunder. The Borough of Hillsdale shall indemnify COAH and hold it harmless from and against all liabilities, losses or damages incurred under COAH with respect to any action COAH may take under this escrow agreement with the exception of liabilities, losses or damages solely caused by negligent acts, omissions, errors or willful misconduct by COAH.

6. Records and Accounts

The Bank shall keep accurate financial records and accounts of all transactions relating to the Account, including but not limited to all deposits to the Account, disbursements from the Account and interest earned on the Account which shall be made available for inspection by COAH and the Borough of Hillsdale, or their respective designees, at any reasonable time. The Borough of Hillsdale shall provide COAH with reports on a quarterly basis, which set forth the amount, date and description of all activity from the Account as well as other information COAH may require to monitor the Account.

7. Notices

All notices, certificates or other communications hereunder shall be delivered by hand or mailed by certified mail to the parties at the following addresses:

- a. If to COAH:
Executive Director
New Jersey Council on Affordable Housing
101 South Broad Street
PO Box 813
Trenton, NJ 08625-0813

Page (6)

b. If to Municipality: Municipal Clerk and Chief Financial Officer
380 Hillsdale Ave.
Hillsdale, N.J. 07642 _____

c. If to Bank: Dan Cannon, Branch Manager _____
TD Bank _____
450 Hillsdale Ave. _____
Hillsdale, N.J. 07642 _____

Any of the parties may hereby designate different or additional addresses by notice in writing given to the other parties.

8. Further Assistance

The parties hereto shall authorize, execute, acknowledge and deliver such further resolutions, assurances and other instruments as may be necessary or desirable for better assuring, conveying, granting, assigning and confirming the rights and interests granted hereunder.

9. Agreement Subject to the Fair Housing Act

This agreement is subject to the Fair Housing Act, P.L.2008, c.46 (C. 52:27D-329.1 et al) and the rules of COAH set forth at N.J.A.C. 5:97-8.1 et seq., and nothing contained herein shall be interpreted to limit or restrict in any way the discretion and authority vested in COAH by the Act or rules.

10. Amendments

This agreement may not be amended, supplemented or modified except by a written instrument executed by all the parties hereto.

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the date set forth above.

Date

11/6/08
Date

10/31/08
Date

L. Harold Karns
L. Harold Karns, on behalf of the Borough of Hillsdale

Lucy Vandenberg
Lucy Vandenberg, Executive Director
on behalf of the New Jersey Council
on Affordable Housing (COAH)

Dan Cannon
Dan Cannon, on behalf of TD Bank

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Borough of Hillsdale, Bergen County

Project Name/Zoning Designation: AH-1

Block(s) and Lot(s): B. 1007, L. 13-16

Total acreage: 1.73

Proposed density (units/gross acre): 12

Affordable Units Proposed: 4

Family: 4

Sale: 0

Rental: 4

Very low-income units: 1

Sale: 0

Rental: 1

Age-Restricted: 0

Sale: 0

Rental: 0

Market-Rate Units Anticipated: 16

Non-Residential Development Anticipated (in square feet), if applicable: to be determined

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 3

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: 1.32

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints: ***None Applicable**

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas

- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site
- ☐ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

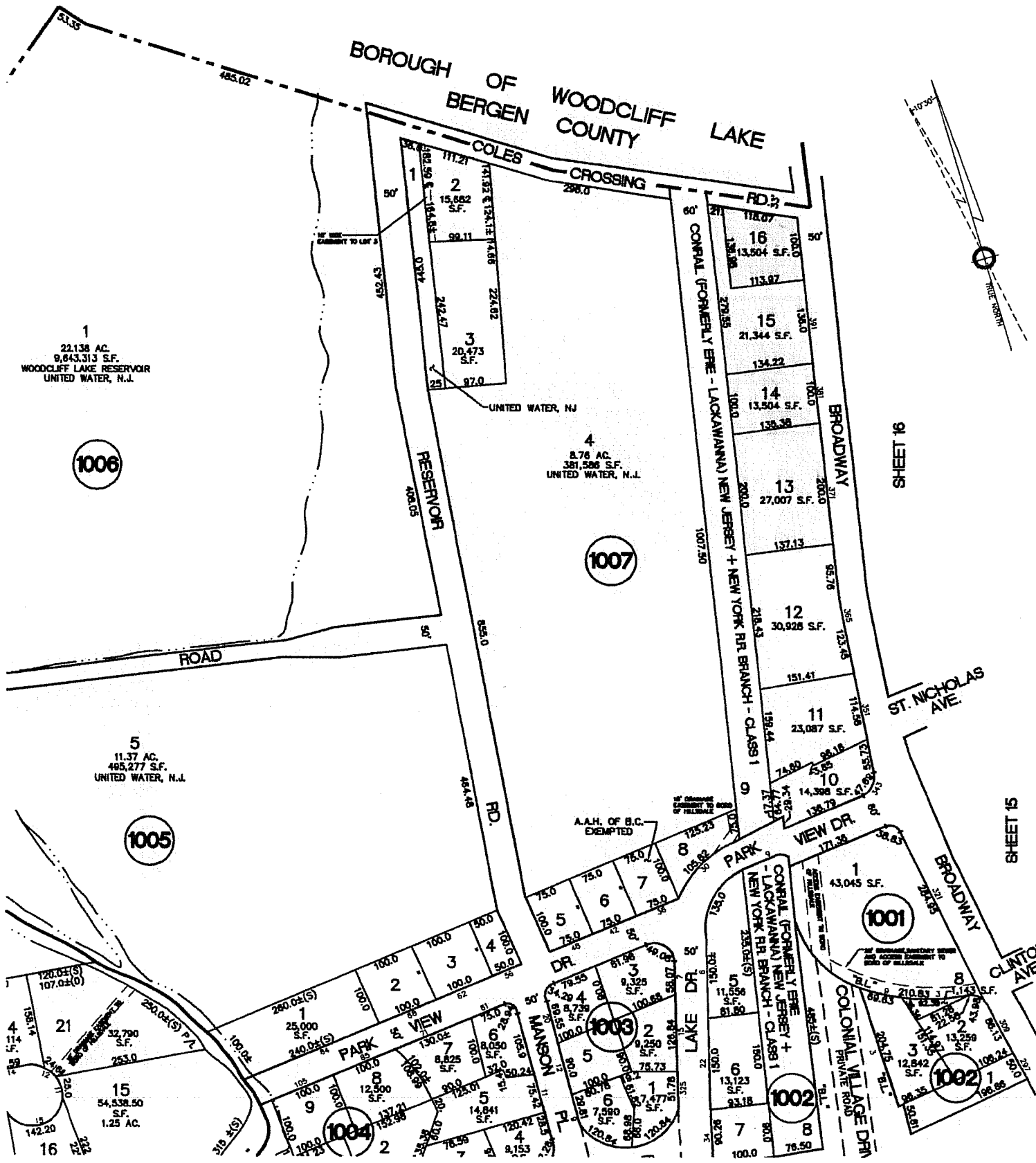
- ☐ Number, tenure and type of units
- ☐ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.



1
22.138 AC.
9,843,313 S.F.
WOODCLIFF LAKE RESERVOIR
UNITED WATER, N.J.

1006

4
8.78 AC.
381,586 S.F.
UNITED WATER, N.J.

1007

5
11.37 AC.
485,277 S.F.
UNITED WATER, N.J.

1005

A.A.H. OF B.C.
EXEMPTED

1
43,045 S.F.

1001

15
54,538.50 S.F.
1.25 AC.

1004

1003

1002

1002

SHEET 15

November 12, 2008

**DRAFT ORDINANCE
AFFORDABLE HOUSING ZONE 1
BOROUGH OF HILLSDALE, BERGEN COUNTY**

There is hereby established in the Borough of Hillsdale an Affordable Housing Zone 1 (AH-1) for the property known as Block 1007, Lots 13-16, located on Broadway in the Borough of Hillsdale.

A Definitions

Section 310-4 of the Hillsdale Land Use Ordinance shall be amended to include the following definitions:

Affordable Housing Unit: A housing unit that has a sale price or rent that is affordable to a low or moderate income household as defined in N.J.A.C. 5:97-9.

COAH: The New Jersey Council on Affordable Housing

Mixed Use/Affordable Housing Development: A development that includes both any permitted principal use in a Commercial/C zone district and a residential multifamily use that is considered an "inclusionary development" pursuant to COAH rules. An inclusionary development includes both market rate housing units and affordable housing units. The inclusionary development shall be developed at densities and with required affordable housing set asides contained in COAH rules. The non-residential and residential uses shall be constructed together, within the same building located on the same site. The non-residential use and affordable housing development may be located on different levels of the building. The inclusionary development shall comprise a minimum of 50 percent of the mixed use/affordable housing development.

RSIS: Residential Site Improvement Standards as promulgated by the Commission of the NJ Department of Community Affairs by authority of PL 1993, c32.

B. Permitted Uses

Section 310-53 shall be amended to include the AH-1 Zone. Permitted uses shall be as follows:

1. Affordable Housing Development: A multifamily inclusionary development consisting of affordable housing units and market residential housing units pursuant to N.J.A.C. 5:97-6.4 and the Affordable Housing requirements contained within this Ordinance.

2. Mixed Use/Affordable Housing Development: As defined by Section 310-4 of the Ordinance. The affordable housing requirements listed in the Affordable Housing Requirements of this Ordinance shall be met.

C. Bulk, Parking Regulations & Site Plan Requirements

1. The existing bulk standards permitted in the Commercial zone district shall apply to all uses in the AH-1 Zone.
2. The permitted residential density and required affordable housing set aside is required as contained in the Affordable Housing Requirements of this Ordinance.
3. Parking shall conform to RSIS standards for a permitted affordable housing development and for the residential component of a mixed use/affordable housing development.
4. Parking standards and requirements for commercial uses shall conform to the Hillsdale Land Use Ordinance.
5. Site Plan requirements found in Sections 310-88, 89, 90 & 91 shall be followed for all affordable housing developments and mixed use/affordable housing developments.

D. Affordable Housing Requirements

1. All affordable housing units shall be in conformance with COAH substantive and procedural rules. Affordable units shall conform to the Uniform Housing Affordability Controls.
2. Affordable housing units shall be affirmatively marketed and rented in accordance with COAH rules and regulations.
3. The affordable housing development shall be an inclusionary development consisting of both market and affordable rental housing units pursuant to COAH Substantive rules contained in N.J.A.C. 5:97.
4. Pursuant to N.J.A.C. 5:97-6.4(b)6, the housing units may be constructed as either rental units or owner occupied units. The required densities and affordable housing set asides are contained in N.J.A.C. 5:97-6.4 and listed below.
5. Owner Occupied Units, Pursuant to N.J.A.C. 5:97-6.4(b)2i:
 - a. The permitted density for an owner occupied affordable housing development and the owner-occupied inclusionary development contained in the mixed use/affordable housing development shall be 8 units to the acre.
 - b. The owner-occupied affordable housing development and the owner-occupied inclusionary development component of a mixed use/affordable housing

development shall contain at least 25% affordable housing units of the total residential units.

6. Rental Units, Pursuant to N.J.A.C. 5:97-6.4(b)6i:

- a. The permitted density for a rental affordable housing development and the rental inclusionary development contained in the mixed use/affordable housing development shall be 12 units per acre.
 - b. The rental affordable housing development and the rental inclusionary development component of a mixed use/affordable housing development shall contain at least 20% affordable housing units of the total residential units.
 - c. A minimum of 10% of the affordable housing units shall be affordable to households earning 30% or less of the median income in COAH Housing Region 1. Where the 10% computation results in less than one unit, than at least one affordable unit shall be provided to households earning 30% or less of the median income in COAH Housing Region 1.
5. The affordable housing units shall be split between low and moderate income units as promulgated in N.J.A.C. 5:97-3.3.

E. Required Approvals

1. The affordable housing development and the mixed use/affordable housing development shall be subject to Major Site Plan approval by the Planning Board.
2. All affordable housing developments and mixed use/affordable housing developments shall be subject to the all applicable COAH review processes and approvals.

End of Proposed Ordinance

PROJECT / PROGRAM INFORMATION FORM

Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.

PART A – PROJECT HEADER

Municipality: Borough of Hillsdale County: Bergen

Project or Program Name: AH-1 Affordable Housing Zone

Project Status (circle current status and enter date of action for that status)

Date of Action

Proposed/Zoned

November 2008_

Preliminary Approval

Final Approval

Affordable Units under Construction

Completed (all affordable certificates of occupancy (C.O.) issued)

Deleted from Plan

(date approved by COAH) _____)

Project / Program Type (circle one)

Assisted Living Facility

Alternative Living Arrangement

Accessory Apartment

Buy – Down

Credits without Controls

ECHO

Municipally-Sponsored Rental Units¹

100 Percent Affordable

Inclusionary

Rehabilitation

If an Inclusionary project, identify type (circle all that apply)

Units constructed on-site

Units constructed off-site

Combination

Contributory

Growth Share Ordinance

If an Alternative Living Arrangement project, identify type (circle one)

Transitional Facility for the Homeless

Residential Health Care Facility

Congregate Living Facility

Group Home

Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

¹ See N.J.A.C. 5:94-4.11

PART B – PROJECT DETAIL (Complete all applicable sections)

COAH Rules that apply to project: Round 1 Round 2 Round 3

Project Address: Broadway, Hillsdale

Project Block/Lot/Qualifier (list all) Block 1007 Lots 13-16

Project Acreage: 1.73

Project Sponsor: (circle one) TBD Municipally Developed Nonprofit Developed Private Developer

Project Developer: To be determined

Planning Area (circle all that apply)

1 2 3 4 4B 5 5B
Highland Preservation Highlands Planning Area Pinelands Meadowlands
CAFRA Category 1 Watershed

Credit Type (circle one)

Prior-cycle (1980 – 1986) Post-1986 completed Proposed/Zoned Rehabilitation

Credit Sub-Type (if applicable)

Addressing Unmet Need Extension of Controls

Construction Type (circle one) New (includes reconstruction and conversions) Rehabilitation

Flags (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

Project Waiver granted yes no Round waiver was granted R1 R2 R3

Type of Waiver N/A

Number of market units proposed 20 Number of market units completed 0

Condo Fee percentage (if applicable) N/A

Affordability Average Percentage ² To be determined – will conform to UHAC

For Contributory or Combination Sites N/A

Total payment in lieu of building affordable units on site _____

Number of affordable units created with payment _____

Municipal or RCA funds committed to project _____

Municipal or RCA funds expended _____

² "Affordability Average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

Funding Sources (circle all that apply) To be determined

County HOME County Rehab Funds CDBG Federal Home Loan Bank HODAG HUD HUD 202
HUD 236 HUD 811 HUD HOPE VI HUD HOME McKinney Funds Fannie Mae Multi-Family
UDAG UHORP USDA-FHA Rural Development USDA-FHA - Section 515 Development Fees
Municipal Bond Municipal Funds Payment in Lieu Private Financing RCA Capital Funding
Balanced Housing Balanced Housing – Home Express DCA – Low Income House Tax Credit NPP
DCA Shelter Support Services DDD DHSS DHHS HMFA Low Income House Tax Credit
HMFA HMFA HOME MONI Section 8 Small Cities Other _____

Effective date of affordability controls _____ To be determined _____

Length of Affordability Controls (in years) _____ TBD _____ or Perpetual

Administrative Agent _____ To be determined _____

PART C – COUNTS

Affordable Unit Counts

Total non-age-restricted 4 Sales 0 Rentals 4 Total age-restricted 0 Sales _____ Rentals _____

Complete the chart for the number of non-age-restricted and age-restricted units that are restricted for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income ³	<u>1</u>	_____
35% of median income ⁴	<u>TBD</u>	_____
50% of median income	<u>TBD</u>	_____
<u>Moderate Income</u>		
80% of median income	<u>TBD</u>	_____

Note: 30% = less than or equal to 30 percent of median income
35% = greater than 30 percent and less than or equal to 35 percent of median income
50% = greater than 35 percent and less than or equal to 50 percent of median income
80% = greater than 50 percent and less than 80 percent of median income

³ Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

⁴ Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

Bedroom Distribution of Affordable Units : To Be Determined – Will Conform to UHAC

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

Completed Units

Number of affordable units completed in this project 0

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls N/A

PART D - (completed by Sending Municipality) N/A

For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
Partnership Receiving Municipality	_____	County	_____
Name of Project	_____		
Credits for Sending Municipality	_____		
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Borough of Hillsdale, Bergen County

Project Name/Zoning Designation: AH-2

Block(s) and Lot(s): B. 1106, L. 4.01 -4.04

Total acreage: 1.46

Proposed density (units/gross acre): 12

Affordable Units Proposed: 4

Family: 4

Sale: 0

Rental: 4

Very low-income units: 2

Sale: 0

Rental: 2

Age-Restricted: 0

Sale: 0

Rental: 0

Market-Rate Units Anticipated: 14

Non-Residential Development Anticipated (in square feet), if applicable: none

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 3

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: 1.32

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)
- ☒ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints:

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☒ Flood plain areas

- ☒ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site
- ☒ Based on the above, a quantification of buildable and non-buildable acreage approximately 50% constrained.

Agreements with developers or approvals for development of specific property, which shall include:

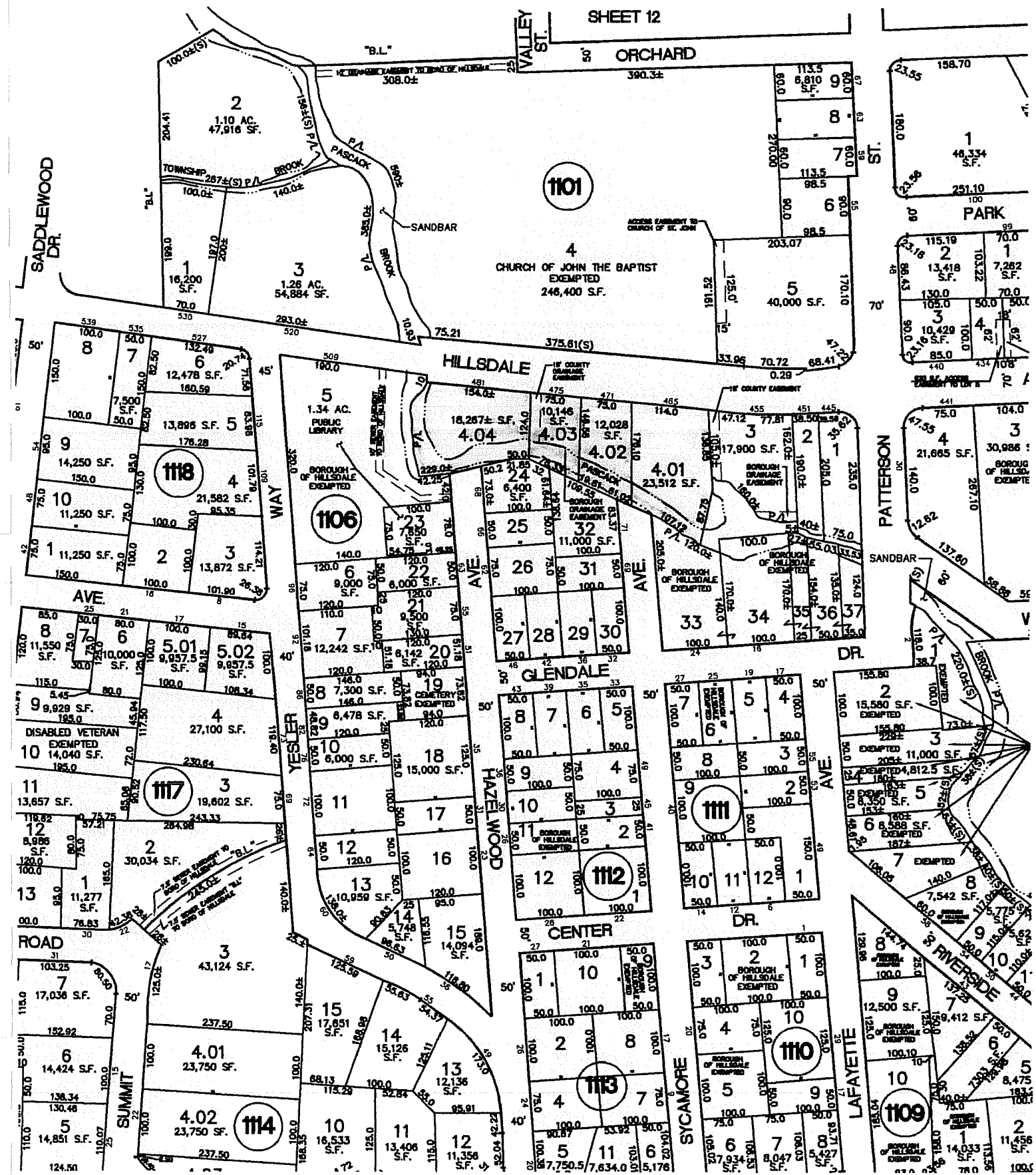
- ☐ Number, tenure and type of units
- ☐ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.



November 11, 2008

**DRAFT ORDINANCE
AFFORDABLE HOUSING ZONE 2
BOROUGH OF HILLSDALE, BERGEN COUNTY**

There is hereby established in the Borough of Hillsdale an Affordable Housing Zone 2(AH-2) for the property known as Block 1106, Lots 4.01-4.04, located on Hillsdale Ave. in the Borough of Hillsdale.

A Definitions

Section 310-4 of the Hillsdale Land Use Ordinance shall be amended to include the following definitions:

Affordable Housing Unit: A housing unit that has a sale price or rent that is affordable to a low or moderate income household as defined in N.J.A.C. 5:97-9.

COAH: The New Jersey Council on Affordable Housing

RSIS: Residential Site Improvement Standards as promulgated by the Commission of the NJ Department of Community Affairs by authority of PL 1993, c32.

B. Permitted Uses

Section 310-53 shall be amended to include the AH-2 Zone. Permitted uses shall be as follows:

1. Affordable Housing Development: A multifamily inclusionary development consisting of affordable housing units and market residential housing units pursuant to N.J.A.C. 5:97-6.4 and the Affordable Housing requirements contained within this Ordinance. All housing units shall be rental units.

C. Bulk, Parking Regulations & Site Plan Requirements

1. The existing bulk standards permitted in the Commercial zone district shall apply to all uses in the AH-2 Zone.
2. The permitted residential density and required affordable housing set aside is required as contained in the Affordable Housing Requirements of this Ordinance.
3. Parking shall conform to RSIS standards for a permitted affordable housing development.

4. Site Plan requirements found in Sections 310-88, 89, 90 & 91 shall be followed for all affordable housing developments.

D. Affordable Housing Requirements

1. All affordable housing units shall be in conformance with COAH substantive and procedural rules. Affordable units shall conform to the Uniform Housing Affordability Controls.
2. All affordable housing units shall be affirmatively marketed and rented in accordance with COAH rules and regulations.
3. The affordable housing development shall be an inclusionary development consisting of both market and affordable rental housing units pursuant to COAH Substantive rules contained in N.J.A.C. 5:97.
4. Pursuant to N.J.A.C. 5:97-6.4(b)6i:
 - a. The permitted density for an affordable housing development shall be 12 units per acre.
 - b. The affordable housing development shall contain at least 20% affordable housing units of the total residential units.
 - c. A minimum of two of the affordable housing units shall be affordable to households earning 30% or less of the median income in COAH Housing Region 1.
5. The affordable housing units shall be split between low and moderate income units as promulgated in N.J.A.C. 5:97-3.3.

E. Required Approvals

1. The affordable housing development shall be subject to Major Site Plan approval by the Planning Board.
2. All affordable housing developments shall be subject to all applicable COAH review processes and approvals.

End of Proposed Ordinance

PROJECT / PROGRAM INFORMATION FORM

Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.

PART A – PROJECT HEADER

Municipality: Borough of Hillsdale County: Bergen

Project or Program Name: AH-2 Affordable Housing Zone

Project Status (circle current status and enter date of action for that status)

Date of Action

Proposed Zoned

November 2008

Preliminary Approval

Final Approval

Affordable Units under Construction

Completed (all affordable certificates of occupancy (C.O.) issued)

Deleted from Plan

(date approved by COAH) _____)

Project / Program Type (circle one)

Assisted Living Facility

Alternative Living Arrangement

Accessory Apartment

Buy – Down

Credits without Controls

ECHO

Municipally-Sponsored Rental Units¹

100 Percent Affordable

Inclusionary

Rehabilitation

If an Inclusionary project, identify type (circle all that apply)

Units constructed on-site

Units constructed off-site

Combination

Contributory

Growth Share Ordinance

If an Alternative Living Arrangement project, identify type (circle one)

Transitional Facility for the Homeless

Residential Health Care Facility

Congregate Living Facility

Group Home

Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

¹ See N.J.A.C. 5:94-4.11

Bedroom Distribution of Affordable Units : To Be Determined – Will Conform to UHAC

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

Completed Units

Number of affordable units completed in this project 0

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls N/A

PART D - (completed by Sending Municipality) N/A

For Regional Contribution Agreements (RCA)

Sending Municipality	_____	County	_____
RCA Receiving Municipality	_____	County	_____
COAH approval date	_____		
Number of units transferred	_____	Cost per unit	_____
Total transfer amount	_____	Amount transferred to date	_____

For Partnership Program

Sending Municipality	_____	County	_____
Partnership Receiving Municipality	_____	County	_____
Name of Project	_____		
Credits for Sending Municipality	_____		
Total transfer amount	_____	Amount transferred to date	_____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

PART B – PROJECT DETAIL (Complete all applicable sections)

COAH Rules that apply to project: Round 1 Round 2 Round 3

Project Address: Hillsdale Ave, Hillsdale

Project Block/Lot/Qualifier (list all) Block 1106, Lots 4.01 – 4.04

Project Acreage: 1.46

Project Sponsor: (circle one) TBD Municipally Developed Nonprofit Developed Private Developer

Project Developer: To be determined

Planning Area (circle all that apply)

1 2 3 4 4B 5 5B

Highland Preservation Highlands Planning Area Pinelands Meadowlands

CAFRA Category 1 Watershed

Credit Type (circle one)

Prior-cycle (1980 – 1986) Post-1986 completed Proposed/Zoned Rehabilitation

Credit Sub-Type (if applicable)

Addressing Unmet Need Extension of Controls

Construction Type (circle one) New (includes reconstruction and conversions) Rehabilitation

Flags (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project
Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

Project Waiver granted yes no Round waiver was granted R1 R2 R3

Type of Waiver N/A

Number of market units proposed 18 Number of market units completed 0

Condo Fee percentage (if applicable) N/A

Affordability Average Percentage ² To be determined – will conform to UHAC

For Contributory or Combination Sites N/A

Total payment in lieu of building affordable units on site _____

Number of affordable units created with payment _____

Municipal or RCA funds committed to project _____

Municipal or RCA funds expended _____

² "Affordability Average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

Funding Sources (circle all that apply) To be determined

County HOME County Rehab Funds CDBG Federal Home Loan Bank HODAG HUD HUD 202
HUD 236 HUD 811 HUD HOPE VI HUD HOME McKinney Funds Fannie Mae Multi-Family
UDAG UHROP USDA-FHA Rural Development USDA-FHA - Section 515 Development Fees
Municipal Bond Municipal Funds Payment in Lieu Private Financing RCA Capital Funding
Balanced Housing Balanced Housing – Home Express DCA – Low Income House Tax Credit NPP
DCA Shelter Support Services DDD DHSS DHHS HMFA Low Income House Tax Credit
HMFA HMFA HOME MONI Section 8 Small Cities Other _____

Effective date of affordability controls _____ **To be determined** _____

Length of Affordability Controls (in years) _____ **TBD** _____ or **Perpetual**

Administrative Agent _____ **To be determined** _____

PART C – COUNTS

Affordable Unit Counts

Total non-age-restricted 4 Sales 0 Rentals 4 Total age-restricted 0 Sales _____ Rentals _____

Complete the chart for the number of non-age-restricted and age-restricted units that are **restricted** for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income ³	<u>2</u>	_____
35% of median income ⁴	<u>TBD</u>	_____
50% of median income	<u>TBD</u>	_____
<u>Moderate Income</u>		
80% of median income	<u>TBD</u>	_____

Note: 30% = less than or equal to 30 percent of median income
35% = greater than 30 percent and less than or equal to 35 percent of median income
50% = greater than 35 percent and less than or equal to 50 percent of median income
80% = greater than 50 percent and less than 80 percent of median income

³ Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

⁴ Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

ZONING FOR INCLUSIONARY DEVELOPMENT (N.J.A.C. 5:97-6.4)

(Submit separate checklist for each site or zone)

General Description

Municipality/County: Borough of Hillsdale, Bergen County

Project Name/Zoning Designation: Proposed Inclusionary Development

Block(s) and Lot(s): B. 1101 L. 6 & 7

Total acreage: 0.36

Proposed density (units/gross acre): 44

Affordable Units Proposed: 4

Family: 4

Sale: 0

Rental: 4

Very low-income units: 0

Sale: 0

Rental: 0

Age-Restricted: 0

Sale: 0

Rental: 0

Market-Rate Units Anticipated: 12

Non-Residential Development Anticipated (in square feet), if applicable: none

Will the proposed development be financed in whole or in part with State funds, be constructed on State-owned property or be located in an Urban Transit Hub or Transit Village? ☐ Yes ☒ No

Bonuses for affordable units, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5: _____

Rental bonuses as per N.J.A.C. 5:97-3.6(a): 3

Very low income bonuses as per N.J.A.C. 5:97-3.7¹: _____

Smart growth bonuses as per N.J.A.C. 5:97-3.18: 1.32

Redevelopment bonuses as per N.J.A.C. 5:97-3.19: _____

Compliance bonuses as per N.J.A.C. 5:97-3.17: _____

Date inclusionary zoning adopted: _____ Date development approvals granted: _____

v_rzoning_form

Information and Documentation Required with Petition

- ☒ Project/Program Information Form (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, check here ☐ in lieu of submitting forms.)
- ☐ Draft or adopted zoning or land use ordinance, which includes the affordable housing requirement and minimum presumptive density for the site/zone.
- ☐ Copies of all decisions made on applications for affordable housing development subsequent to adoption of the current zoning

If payments in lieu of on-site construction of the affordable units is an option, submit:

- ☐ Proposed or adopted ordinance establishing the amount of the payments
- ☐ Spending plan

A general description of the site or zone, including:

- ☒ Name and address of owner
- ☒ Name and address of developer(s)
- ☒ Subject property street location
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Previous zoning designation and date previous zoning was adopted
- ☒ Current zoning and date current zoning was adopted
- ☒ Description of any changes to bulk standards intended to accommodate the proposed densities
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) i.e., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints: *None Applicable

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas

- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site
- ☐ Based on the above, a quantification of buildable and non-buildable acreage

Agreements with developers or approvals for development of specific property, which shall include:

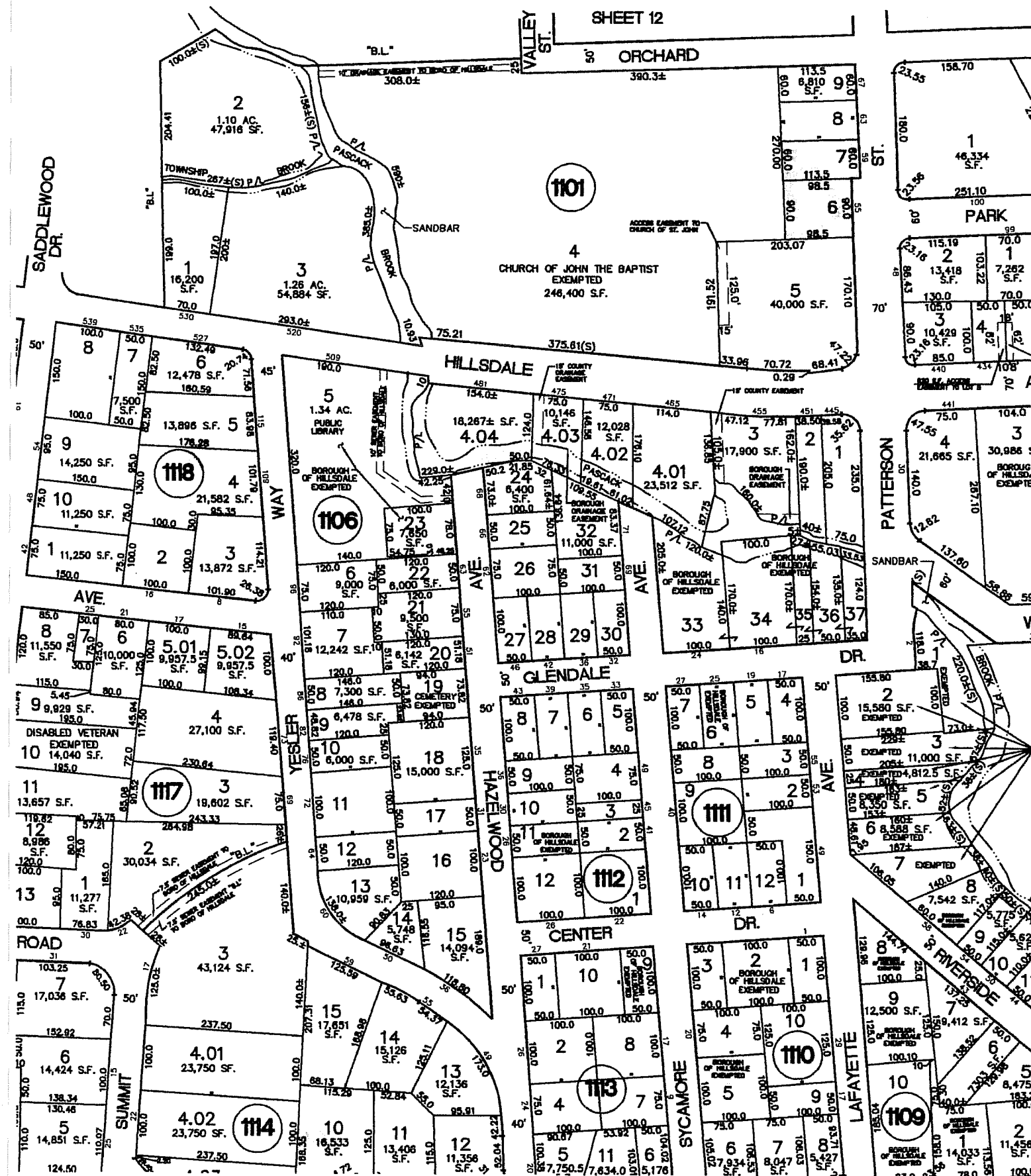
- ☐ Number, tenure and type of units
- ☐ Compliance with N.J.A.C. 5:97-9 and UHAC
- ☐ Progress points at which the developer shall coordinate with the Municipal Housing Liaison

Information and Documentation Required Prior to Marketing the Completed Units

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Adopted operating manual that includes a description of program procedures and administration or a statement indicating that the Administrative Agent designated to run the program uses a COAH-approved manual
- ☐ An affirmative marketing plan in accordance with UHAC

Zoning Narrative Section

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.



PROJECT / PROGRAM INFORMATION FORM

Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.

PART A – PROJECT HEADER

Municipality: Borough of Hillsdale County: Bergen

Project or Program Name: Proposed Inclusionary Development

Project Status (circle current status and enter date of action for that status)

Date of Action

Proposed/Zoned

November 2008_

Preliminary Approval

Final Approval

Affordable Units under Construction

Completed (all affordable certificates of occupancy (C.O.) issued)

Deleted from Plan
(date approved by COAH) _____)

Project / Program Type (circle one)

Assisted Living Facility

Alternative Living Arrangement

Accessory Apartment

Buy – Down

Credits without Controls

ECHO

Municipally-Sponsored Rental Units¹

100 Percent Affordable

Inclusionary

Rehabilitation

If an Inclusionary project, identify type (circle all that apply)

Units constructed on-site

Units constructed off-site

Combination

Contributory

Growth Share Ordinance

If an Alternative Living Arrangement project, identify type (circle one)

Transitional Facility for the Homeless

Residential Health Care Facility

Congregate Living Facility

Group Home

Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

¹ See N.J.A.C. 5:94-4.11

PART B – PROJECT DETAIL (Complete all applicable sections)

COAH Rules that apply to project: Round 1 Round 2 Round 3

Project Address: 55 & 59 Patterson Street, Hillsdale

Project Block/Lot/Qualifier (list all) Block 1101, Lots 6 & 7

Project Acreage: 0.36

Project Sponsor: (circle one) ~~Municipally Developed~~ Nonprofit Developed Private Developer

Project Developer: To be determined

Planning Area (circle all that apply)

1 2 3 4 4B 5 5B

Highland Preservation Highlands Planning Area Pinelands Meadowlands

CAFRA Category 1 Watershed

Credit Type (circle one)

Prior-cycle (1980 – 1986) Post-1986 completed Proposed/Zoned* Rehabilitation

Credit Sub-Type (if applicable)

Addressing Unmet Need Extension of Controls

Construction Type (circle one) New (includes reconstruction and conversions) Rehabilitation

Flags (circle all that apply) Conversion Court Project Density Increase Granted Mediated Project

Result of Growth Share Ordinance High Poverty Census Tract Off-Site Partnership Project

RCA Receiving Project Reconstruction Part of Redevelopment Plan

Project Waiver granted yes no Round waiver was granted R1 R2 R3

Type of Waiver N/A

Number of market units proposed 12 Number of market units completed 0

Condo Fee percentage (if applicable) N/A

Affordability Average Percentage² To be determined

For Contributory or Combination Sites N/A

Total payment in lieu of building affordable units on site

Number of affordable units created with payment

Municipal or RCA funds committed to project

Municipal or RCA funds expended

² "Affordability Average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

Funding Sources (circle all that apply) To be determined

County HOME County Rehab Funds CDBG Federal Home Loan Bank HODAG HUD HUD 202
HUD 236 HUD 811 HUD HOPE VI HUD HOME McKinney Funds Fannie Mae Multi-Family
UDAG UHORP USDA-FHA Rural Development USDA-FHA - Section 515 Development Fees
Municipal Bond Municipal Funds Payment in Lieu Private Financing RCA Capital Funding
Balanced Housing Balanced Housing – Home Express DCA – Low Income House Tax Credit NPP
DCA Shelter Support Services DDD DHSS DHHS HMFA Low Income House Tax Credit
HMFA HMFA HOME MONI Section 8 Small Cities Other _____

Effective date of affordability controls _____ **to be determined** _____

Length of Affordability Controls (in years) _____ **TBD** _____ or _____ **Perpetual**

Administrative Agent _____ **To be determined** _____

PART C – COUNTS

Affordable Unit Counts

Total non-age-restricted 4 Sales 0 Rentals 4 Total age-restricted 0 Sales Rentals

Complete the chart for the number of non-age-restricted and age-restricted units that are **restricted** for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income ³	<u> TBD </u>	<u> </u>
35% of median income ⁴	<u> TBD </u>	<u> </u>
50% of median income	<u> TBD </u>	<u> </u>
<u>Moderate Income</u>		
80% of median income	<u> TBD </u>	<u> </u>

Note: 30% = less than or equal to 30 percent of median income
 35% = greater than 30 percent and less than or equal to 35 percent of median income
 50% = greater than 35 percent and less than or equal to 50 percent of median income
 80% = greater than 50 percent and less than 80 percent of median income

³ Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

⁴ Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

Bedroom Distribution of Affordable Units : To Be Determined

Sale units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

Completed Units

Number of affordable units completed in this project 0_____

Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls N/A_____

PART D - (completed by Sending Municipality) N/A

For Regional Contribution Agreements (RCA)

Sending Municipality _____ County _____

RCA Receiving Municipality _____ County _____

COAH approval date _____

Number of units transferred _____ Cost per unit _____

Total transfer amount _____ Amount transferred to date _____

For Partnership Program

Sending Municipality _____ County _____

Partnership Receiving Municipality _____ County _____

Name of Project _____

Credits for Sending Municipality _____

Total transfer amount _____ Amount transferred to date _____

Summary of Sending Municipality’s contractual agreement with Partnership Receiving Municipality

SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)

(Submit separate checklist for each site or project)

General Description

Municipality/County: Borough of Hillsdale, Bergen County

Project or Program Name: AAH of Bergen County, Hillsdale

Date facility will be constructed or placed into service: currently in service

Type of facility: Group Home

For group homes, residential health care facilities and supportive shared housing:

Affordable bedrooms existing: 4 Age-restricted affordable bedrooms: 0

For permanent supportive housing:

Affordable units proposed: N/A Age-restricted affordable units:

Bonuses, if applicable:

Rental bonuses as per N.J.A.C. 5:97-3.5:

Rental bonuses as per N.J.A.C. 5:97-3.6(a):

Very low income bonuses as per N.J.A.C. 5:97-3.7¹:

Compliance bonuses as per N.J.A.C. 5:97-3.17:

Date development approvals granted:

Information and Documentation Required with Petition or in Accordance with an Implementation

Schedule

Is the municipality providing an implementation schedule for this project/program. N/A Project is built

☐ Yes. Skip to and complete implementation schedule found at the end of this checklist. NOTE: The remainder of this checklist must be submitted in accordance with the implementations schedule.

☐ No. Continue with this checklist.

- ☒ Project/Program Information & Unit Inventory Forms (previously known as Project/Program Monitoring Form. If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☐ in lieu of submitting forms.) Alternative living arrangement survey is attached.
- ☐ Demonstration of site control or the ability to control the site, in the form of outright ownership, a contract of sale or an option to purchase the property

A general description of the site, including: See text in Fair Share Plan.

- ☒ Name and address of owner
- ☒ Name and address of developer
- ☒ Subject property street location
- ☒ Subject property block(s) and lot(s)
- ☒ Subject property total acreage
- ☒ Indicate if urban center or workforce housing census tract
- ☒ Description of previous zoning
- ☒ Current zoning and date current zoning was adopted
- ☒ Tax maps showing the location of site(s) with legible dimensions (electronic if available)

A description of the suitability of the site, including:

- ☒ Description of surrounding land uses
- ☒ Demonstration that the site has street access
- ☒ Planning Area and/or Special Resource Area designation(s) e.g., PA1, PA2, PA3, PA4, PA5, CAFRA, Pinelands, Highlands, Meadowlands, etc., including a discussion on consistency with the State Development and Redevelopment Plan (SDRP) and/or other applicable special resource area master plans
- ☒ Demonstration that there is or will be adequate water capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4
- ☒ Demonstration that there is or will be adequate sewer capacity per N.J.A.C. 5:97-1.4 or that the site is subject to a durational adjustment per N.J.A.C. 5:97-5.4

A description (including maps if applicable) of any anticipated impacts that result from the following environmental constraints: N/A- Property already developed.

- ☐ Wetlands and buffers
- ☐ Steep slopes
- ☐ Flood plain areas
- ☐ Stream classification and buffers
- ☐ Critical environmental site
- ☐ Historic or architecturally important site/district
- ☐ Contaminated site(s); proposed or designated brownfield site

- ☒ Based on the above, a quantification of buildable and non-buildable acreage
- ☐ Pro-forma statement for the project
- ☐ RFP or Developer's Agreement
- ☐ Construction schedule and timetable for each step in the development process
- ☐ Documentation of funding sources
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall

N/A: **Information and Documentation Required Prior to Marketing the Completed Units or Facility**

- ☐ For units not exempt from UHAC, an affirmative marketing plan in accordance with N.J.A.C. 5:97-6.10(c)
- ☐ If applicable, proof that the supportive and/or special needs housing is regulated by the New Jersey Department of Health and Senior Services, the New Jersey Department of Human Services or another State agency (including validation of the number of bedrooms or units in which low- or moderate-income occupants reside)

N/A: **SUPPORTIVE AND SPECIAL NEEDS HOUSING (N.J.A.C. 5:97-6.10)**

IMPLEMENTATION SCHEDULE

The implementation schedule sets forth a detailed timetable that demonstrates a "realistic opportunity" as defined under N.J.A.C. 5:97-1.4 and a timetable for the submittal of all information and documentation required by N.J.A.C. 5:97-6.

The timetable, information, and documentation requested below are required components of the implementation schedule.

Please note that all information and documentation requested below is required to be submitted to COAH no later than two years prior to the scheduled implementation of the mechanism. The fully completed checklist from above must be submitted at that time.

PROVIDE THE INFORMATION REQUESTED IN THE SECTIONS BELOW

(A) Development schedule, including, but not limited to, the following:

Development Process Action	Date Anticipated to Begin	Date Anticipated to be Completed	Date Supporting Documentation to be Submitted to COAH
Site Acquisition			
RFP Process			

Developer Selection			
Executed Agreement with provider, sponsor or developer			
Development Approvals			
Contractor Selection			
Building Permits			
Construction			
Occupancy			

Supportive/Special Needs Narrative Section

This Group home has been operational since July 1997.

¹ Pursuant to PL 2008 c.46, Very Low-Income bonuses may only be granted for very low-income units that exceed 13 percent of the of the housing units made available for occupancy by low-income and moderate income households.

PROJECT / PROGRAM INFORMATION FORM

Changes to the highlighted areas are to be made directly into the CTM system. All other changes must be made on the form and submitted to COAH.

PART A – PROJECT HEADER

Municipality: Borough of Hillsdale County: Bergen

Project or Program Name: Alliance Against Homelessness (AAH) of Bergen County, Inc.

Project Status (circle current status and enter date of action for that status)

Date of Action

Proposed/Zoned

Preliminary Approval

Final Approval

Affordable Units under Construction

Completed (all affordable certificates of occupancy (C.O.) issued)

July 1997

Deleted from Plan

(date approved by COAH) _____

Project / Program Type (circle one)

Assisted Living Facility

Alternative Living Arrangement

Accessory Apartment

Buy – Down

Credits without Controls

ECHO

Municipally-Sponsored Rental Units¹

100 Percent Affordable

Inclusionary

Rehabilitation

If an Inclusionary project, identify type (circle all that apply)

Units constructed on-site

Units constructed off-site

Combination

Contributory

Growth Share Ordinance

If an Alternative Living Arrangement project, identify type (circle one)

Transitional Facility for the Homeless

Residential Health Care Facility

Congregate Living Facility

Group Home

Boarding Homes (A through E) (only eligible for credit for 1987-99 plans)

¹ See N.J.A.C. 5:94-4.11

PART B – PROJECT DETAIL (Complete all applicable sections)

COAH Rules that apply to project: Round 1 Round 2 Round 3

Project Address: 36 Park View Drive

Project Block/Lot/Qualifier (list all) Block 1007, Lot 7

Project Acreage: 0.17

Project Sponsor: Municipally Developed Nonprofit Developed Private Developer

Project Developer: N/A

Planning Area (circle all that apply)

1

2

3

4

4B

5

5B

Highland Preservation

Highlands Planning Area

Pinelands

Meadowlands

CAFRA

Category 1 Watershed

Credit Type (circle one) Round 3

Prior-cycle (1980 – 1986)

Post-1986 completed

Proposed/Zoned

Rehabilitation

Credit Sub-Type (if applicable)

Addressing Unmet Need

Extension of Controls

Construction Type (circle one)

New (includes reconstruction and conversions)

Rehabilitation

Flags (circle all that apply)

Conversion

Court Project

Density Increase Granted

Mediated Project

Result of Growth Share Ordinance

High Poverty Census Tract

Off-Site

Partnership Project

RCA Receiving Project

Reconstruction

Part of Redevelopment Plan

Project Waiver granted

yes

no

Round waiver was granted

R1

R2

R3

Type of Waiver N/A

Number of market units proposed

0

Number of market units completed

Condo Fee percentage (if applicable)

N/A

Affordability Average Percentage ²

N/A

For Contributory or Combination Sites N/A

Total payment in lieu of building affordable units on site

Number of affordable units created with payment

Municipal or RCA funds committed to project

Municipal or RCA funds expended

² "Affordability Average" means an average of the percentage of median income at which restricted units in an affordable development are affordable to low and moderate-income households.

Funding Sources (circle all that apply)

County HOME County Rehab Funds CDBG Federal Home Loan Bank HODAG HUD HUD 202
HUD 236 HUD 811 HUD HOPE VI HUD HOME McKinney Funds Fannie Mae Multi-Family
UDAG UHORP USDA-FHA Rural Development USDA-FHA - Section 515 Development Fees
Municipal Bond Municipal Funds Payment in Lieu Private Financing RCA Capital Funding
Balanced Housing Balanced Housing – Home Express DCA – Low Income House Tax Credit NPP
DCA Shelter Support Services DDD DHSS DHHS HMFA Low Income House Tax Credit
HMFA HMFA HOME MONI Section 8 Small Cities Other

Effective date of affordability controls _____

Length of Affordability Controls (in years) _____ or Perpetual

Administrative Agent _____ Lydia Banes-Lievit, LCSW _____

PART C – COUNTS

Affordable Unit Counts

Total non-age-restricted 0 Sales _____ Rentals 4 Total age-restricted _____ Sales _____ Rentals _____

Complete the chart for the number of non-age-restricted and age-restricted units that are **restricted** for the following income categories (do not report on the income levels of residents currently residing in the units)

<u>Low Income</u>	<u>Non-age restricted</u>	<u>Age-restricted</u>
30% of median income ³	<u> 4 </u>	_____
35% of median income ⁴	_____	_____
50% of median income	_____	_____
<u>Moderate Income</u>		
80% of median income	_____	_____

Note: 30% = less than or equal to 30 percent of median income
 35% = greater than 30 percent and less than or equal to 35 percent of median income
 50% = greater than 35 percent and less than or equal to 50 percent of median income
 80% = greater than 50 percent and less than 80 percent of median income

³ Pursuant to N.J.A.C. 5:94-4.22 units deed restricted to households earning 30% or less of median income may be eligible for Bonus Credit for Very-Low Income Units. (RCA receiving units not eligible for bonus credits)

⁴ Pursuant to N.J.A.C. 5:80-26.3(d) At least 10 percent of all low- and moderate-income rental units must be deed restricted to households earning no more than 35 percent of median income

Bedroom Distribution of Affordable Units

Sale units	efficiency low	_____	1 bedroom low	<u> 4 </u>	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____
Rental units	efficiency low	_____	1 bedroom low	_____	2 bedroom low	_____	3 bedroom low	_____
	efficiency mod	_____	1 bedroom mod	_____	2 bedroom mod	_____	3 bedroom mod	_____

Completed UnitsNumber of affordable units completed in this project 4 Number of affordable units in this project lost through foreclosures, illegal sale or expired affordability controls 0 **PART D - (completed by Sending Municipality) N/A****For Regional Contribution Agreements (RCA)**

Sending Municipality _____ County _____

RCA Receiving Municipality _____ County _____

COAH approval date _____

Number of units transferred _____ Cost per unit _____

Total transfer amount _____ Amount transferred to date _____

For Partnership Program

Sending Municipality _____ County _____

Partnership Receiving Municipality _____ County _____

Name of Project _____

Credits for Sending Municipality _____

Total transfer amount _____ Amount transferred to date _____

Summary of Sending Municipality's contractual agreement with Partnership Receiving Municipality

**Council on Affordable Housing (COAH)
Alternative Living Arrangement Survey**

Municipality: Hillsdale County: Bergen

Sponsor: AAH OF BERGEN COUNTY, INC Developer: ALREADY EXISTS

Block: 1007 Lot: 7 Street Address 36 Parkview Drive

Facility Name: AAH of Bergen County, Inc. Group Home

Type of Facility:

- ☐ Group Home for developmentally disabled as licensed and/or regulated by the NJ Dept. of Human Services (Division of Developmental Disabilities (DDD))
- ☒ Group Home for mentally ill as licensed and/or regulated by the NJ Dept. of Human Services (Division of Mental Health Services) (DMHS))
- ☐ Transitional facility for the homeless
- ☐ Residential health care facility (licensed by NJ Dept. of Community Affairs)
- ☐ Congregate living arrangement
- ☐ Other – Please Specify: _____

Sources of funding committed to the project :

- ☐ Capital funding from State – Amount \$ _____
- ☐ Balanced Housing – Amount \$ _____
- ☒ HUD – Amount \$ 44,161.00
- ☐ Federal Home Loan Bank – Amount \$ _____
- ☐ Farmers Home Administration – Amount \$ _____
- ☐ Development fees – Amount \$ _____
- ☐ Bank financing – Amount \$ _____
- ☒ Other – Please specify: 7,437.50

☐ Please provide a pro forma for proposed projects

Total # of clients 4
Total # of low-income clients 4
Total # of moderate-income clients _____
Total # of market-income clients _____

of total bedrooms 4
of low-income bedrooms 4
of moderate-income bedrooms _____
of market-income bedrooms _____

Length of Controls: _____ years

Effective Date of Controls: ____/____/____

Expiration Date of Controls: ____/____/____

Average Length of Stay: _____ months (transitional facilities only)

☐ CO Date: ____/____/____

Indicate licensing agency:

☐ DDD ☒ DMHS ☐ DHSS ☐ DCA

Initial License Date: ____/____/____

Current License Date: ____/____/____

The following verification is attached:

- ☐ Copy of deed restriction or mortgage and/or mortgage note with deed restriction (30-year minimum, HUD, FHA, FHLB, BHP deed restriction, etc.)
- ☐ Copy of capital Application Funding Unit (CAFU) or DHS Capital Application Letter (20 year minimum, no deed restriction required)
- ☐ Award letter/financing commitment (proposed new construction projects only)

Residents 18 yrs or older? ☒ Yes ☐ No

Age-restricted? ☐ Yes ☒ No

Population Served (describe): Seriously mentally ill ; previously homeless

Accessible (in accordance with NJ Barrier Free Subcode)? ☐ Yes ☒ No

Affirmative Marketing Strategy (check all that apply):

☐ DDD/DMHS/DHSS waiting list

☐ Other (please specify): _____

CERTIFICATIONS

I certify that the information provided is true and correct to the best of my knowledge and belief.

Certified by: [Signature]
Project Administrator

11/13/08
Date

Certified by: L Harold Karius
Municipal Housing Liaison

11/6/08
Date

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Borough of Hillsdale, Bergen County

Program Name: Local Program

Number of proposed units to be rehabilitated: 1

Information and Documentation Required with Petition

- ☒ Determination of Rehabilitation Share
- ☐ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- ☒ Exterior Housing Survey conducted by the municipality
- ☐ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)
- ☒ Documentation demonstrating the source(s) of funding
- ☒ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- ☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC

VISUAL
STRUCTURAL CONDITIONS SURVEY

Municipality: Borough of Hillsdale

County: Bergen

Date of Survey: 11/3/2008 - 11/7/2008 (Performed from Street Line.)

Performed By: C.P. STATTUE, P.E.

Title: Borough Engineer

License Number: GE 28282

Areas of municipality surveyed:

All Areas East of Garden State Parkway

Areas of municipality not surveyed:

West of Garden State Parkway
Developments After 1980

Reason(s) for not surveying these areas:

Dwellings of Highest Valuation (Tax Assessments.)
in Borough:

STRUCTURAL CONDITIONS SURVEY

SURVEYOR: CHRISTOPHER SATILE, P.E., BROUGHT ENGINEER

DATE: 11/10/08

FAIR/POOR = X

GOOD/EXCELLENT = 0

RATE COMPONENT:

STREET

COMPONENTS

Address	Block/ Lot	Number of Dwelling Units	One "X" and Structure is Deficient			Two "Xs" and Structure is Deficient				
			Foundation	Siding and Walls	Roof and Chimney	Windows and Door	Eaves/ Gutters/ Leader	Rails/ Stairs/ Steps/ Porch	Fire Escape	Deficient structure mark "Yes" or "No"
10 WILSTE AVE.	1520 9	1		✓			✓			
71 BEECHWOOD DRIVE	1108 12	1		✓				✓		
46 GLENDALE DRIVE	1106 27	1		✓						
9 BUFF LANE	302 3	1		✓			✓			
285 MAGNOLIA AVE.	1519 6	1		✓	✓		✓			
180 KINDERKAMACH RO.	1417 1	1		✓			✓			
124 CENTRAL AVE.	1526 5	1		✓	✓					
118 CENTRAL AVE.	1526 7	1		✓				✓		
43 LARGE AVE.	1415 17	1		✓	✓					

I verify that I conducted the structural conditions survey for

HILLSDALE/BERGEN (municipality/county) on 11/3-11/7/08 (date) according to COAH criteria.

*
Signature: Christopher Satile, P.E.

Title: Brought Engineer

*BASED ON VISUAL OBSERVATIONS FROM STREET LINE.

License No: NTJGE28282

REHABILITATION PROGRAM (N.J.A.C. 5:97-6.2)

General Description

Municipality/County: Borough of Hillsdale, Bergen County

Program Name: County Program

Number of proposed units to be rehabilitated: 5

Information and Documentation Required with Petition

- ☒ Determination of Rehabilitation Share
- ☐ Accept number in N.J.A.C. 5:97 – Appendix B; **OR**
- ☒ Exterior Housing Survey conducted by the municipality
- ☐ Information regarding the rehabilitation program on forms provided by the Council. (If relying on previously submitted 2007 monitoring and/or subsequent CTM update, also check here ☒ in lieu of submitting forms.)
- ☒ Documentation demonstrating the source(s) of funding
- ☐ Municipal resolution appropriating funds from general revenue or a resolution of intent to bond in the event of a funding shortfall
- ☒ Schedule illustrating how the rehabilitation share will be addressed within the period of substantive certification

Information and Documentation Required Prior to Substantive Certification

- ☐ Resolution or executed contract designating an experienced Administrative Agent, and a statement of his/her qualifications, in accordance with N.J.A.C. 5:96-18
- ☐ Draft or adopted rehabilitation operating manual that includes a description of the program procedures and administration including a copy of sample deed restriction and/or lien.
- ☐ Affirmative Marketing Plan for the re-rental of rehabilitated rental units, in accordance with UHAC



**COUNTY OF BERGEN
COMMUNITY DEVELOPMENT**

One Bergen County Plaza • 4th Floor • Hackensack, N.J. 07601-7076
(201) 336-7200 • FAX (201) 336-7247

Dennis McNerney
County Executive

Joseph Rutch
Director

July 14, 2008

Ms. Caroline Reiter
Christopher P. Statile PA
3 Fir Court
Oakland NJ 07436

RE: COAH Report for Hillsdale

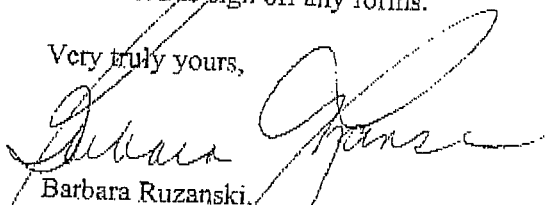
Dear Ms. Reiter:

Attached you will find the information that was requested for the Borough of Hillsdale for your COAH Report.

The time period is for 1/1/00 to 7/11/08. Liens are held on to the homes till the home is sold.

Hopefully, this information is sufficient for your report. If there are forms that have to be signed I am not authorized to sign off on them. You will have to contact the Director, Joseph Rutch, he is authorized to sign off any forms.

Very truly yours,


Barbara Ruzanski,
Secretary
Home Improvement Program

BR/
Atch

BOROUGH OF HILLSDALE

COAH REPORT

48 Oak St	\$18,600.00 6/25/02 Single family Heating system
43 Riverside Dr	\$17,500.00 2/6/05 Single family Flooring throughout home
152 Magnolia Ave	\$17,500.00 8/30/06 Single family Driveway, roof, smoke detectors
647 Hillsdale Ave	\$20,250.00 3/10/08 Single family Gutters/leaders, rebuild chimney, storm doors, tree removal, aluminization
54 Hopkins St	\$10,525.00 11/3/05 Roof, driveway apron

Homeowners are mod income

Inventory of Sites Changed From Non-Residential to Residential Use (P.L. 2008 c.46)

Pursuant to N.J.S.A. N.J.S.A. 52:27D-307, as amended by PL 2008 c.46, any residential development resulting from a zoning change made to a previously non-residentially-zoned property, where the change in zoning precedes or follows the application for residential development by no more than 24 months, shall require that a percentage be reserved for occupancy by low or moderate income households.

Municipalities must document at the time of petition, repetition or submission of amendment sites that have been or are proposed to be rezoned or that are the subject of a use variance from nonresidential to residential uses as follows: all sites that were rezoned from nonresidential to residential uses since July 17, 2006 where a developer has made an application for development after July 17, 2008. This would include both applications to the municipal planning board and to the municipal zoning board. Such sites shall include affordable housing as a percentage of the units constructed on site based on economic feasibility.

The determination of economic feasibility will be made based upon the presumptive densities and set-asides in COAH's rules pursuant to N.J.A.C. 5:97-6.4(b)2 (for-sale housing) and N.J.A.C. 5:97-6.4(b)6 (rental housing). A site zoned for inclusionary development will be presumed to be economically feasible if it meets these minimum densities and maximum set-asides.

Owner/Developer Name	Block	Lot	Previous Zoning	New Residential Density	Use Change Date	Development Application Date	Total Units	Total Affordable Units	Use Change Granted By
V/R Developers	1102	1	C	10.6		5/1/2006	10	10	Planning Board
Lissa Canavan	1101	8	C	1		8/1/2006	1	0	Planning Board
V/R Developers	1101	6,7	C	44		4/1/2008	16	4	

Fair Share Plan

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INTRODUCTION

The Mt. Laurel II doctrine requires municipalities to provide a realistic opportunity for the construction of their fair share of low and moderate income housing. The requirements for the Fair Share Plan are contained in the Third Round substantive and procedural rules of the New Jersey Council on Affordable Housing (COAH). Substantive rules are contained in N.J.A.C. 5:97, and procedural rules are contained in N.J.A.C. 5:96. Both sets of rules are effective June 2, 2008 with amendments through October 20, 2008.

The Fair Share Plan is the Borough's proposal for satisfying its affordable housing regional needs. The plan computes the Borough's fair share obligation and details the Borough's strategies for addressing its present and prospective housing needs.

Because the Fair Share Plan addresses a municipality's regional needs, COAH has divided New Jersey into six housing regions. The Borough of Hillsdale is located in Region 1, which contains all of Bergen, Passaic, Hudson and Sussex counties.

The Borough of Hillsdale received Second Round substantive certification on November 7, 2001. That certification recognized that the Borough met its obligation of 111 new construction affordable housing units and seven rehabilitation affordable housing units. The substantive certification also included an affordable housing surplus. The Borough petitioned for Third Round substantive certification on May 10, 2007. COAH did not make a determination on the 2007 petition and has since adopted new Third Round rules. Pursuant to N.J.A.C. 5:96-16.2(a), municipalities that petitioned for but did not receive Third Round substantive certification must re-petition with an amended Housing Element/Fair Share Plan by noon on December 31, 2008 to remain under the jurisdiction of COAH.

This report supplements the COAH Petition Application form for Third Round applications and also qualifies as the amended Fair Share Plan required by N.J.A.C. 5:96-16.2(a). The re-petition meets the December 31, 2008 deadline.

COAH Subcommittee

In June 2008 the Borough of Hillsdale established a COAH Subcommittee comprised of members of the governing body and the Planning Board. The subcommittee did not include a quorum of either group.

The COAH Subcommittee met on five different occasions and analyzed different compliance options to meet COAH rules. Decisions made by the subcommittee are noted where appropriate in the Fair Share Plan.

TOTAL FAIR SHARE

A municipality's total fair share affordable housing obligation has three components: prior round obligation, rehabilitation obligation and growth share.

The Borough of Hillsdale's total fair share affordable housing obligation is as follows:

- The Borough has an assigned rehabilitation obligation of 15 units.
- The Borough has a municipally determined rehabilitation obligation of 6 units.
- The Borough has a prior round obligation of 111 units.
- COAH has projected a growth share obligation of 48 affordable housing units for the Borough of Hillsdale.
- Using COAH Worksheet C, the projected growth share has been lowered to 35 affordable housing units.

The Borough meets its total fair share obligation by participating in a Bergen County rehabilitation program, establishing a local rehabilitation program, utilizing credits for affordable housing built after April 1, 1980, credits for supportive housing, a development fee ordinance, and proposed inclusionary zones.

PROJECTED GROWTH SHARE

Appendix F of COAH substantive rules states that Hillsdale has a projected residential growth of 195 residential households, which results in a projected residential growth share of 39 affordable units. Appendix F also states that Hillsdale has a projected nonresidential growth of 139 jobs, which results in a projected nonresidential growth share of 9 affordable units. The total projected growth share resulting from COAH's projected growth for Hillsdale is 48 affordable units.

COAH rules permit municipalities to request an adjustment to its household and employment projections. The Borough of Hillsdale is requesting an adjustment and has completed required Worksheet C for the reduction in projected growth share. The completion of Worksheet C has resulted in a reduction in projected growth share from 48 affordable units to 35 affordable units. The remainder of this report and the petition for substantive certification addresses the projected 35 unit growth share obligation.

Worksheet C identifies those properties listed as vacant or as farm assessed vacant by the Tax Assessor. The Worksheet identifies the vacant sites or those portions thereof that may not be developable due to environmental constraints or approved development applications. The Hillsdale Borough Engineer identified and quantified all constrained acreage amounts and locations. The Worksheet also excludes those sites that cannot accommodate one housing unit pursuant to N.J.A.C. 5:97-5.6(c).

Worksheet C and the following materials are attached in Appendix A:

- Tax Assessor information.
- A map entitled, "Existing Land Use Map."
- Transparent overlay.

Vacant Land Analysis

The projected growth calculated by COAH relies on statewide vacant land mapping, which showed 143 acres of vacant land in Hillsdale. As a community that is practically entirely developed, there is absolutely not 143 acres of vacant, developable land in Hillsdale.

A review of the COAH vacant land mapping showed that it contained numerous errors. Several of the Hillsdale properties identified as vacant were actually the back yards of developed lots, Board of Education properties and the Garden State Parkway right of way. A further analysis revealed that the Borough of Hillsdale contains less than 20 acres of vacant land. The Analysis of COAH Vacant Land Map is attached as Appendix B. This map is submitted in support of the Borough's request for a downward adjustment to its household and employment projections.

REHABILITATION OBLIGATION

COAH has assigned the Borough of Hillsdale a 15-unit rehabilitation obligation. That obligation is reduced to six units via completion of an Exterior Housing Survey.

The Borough of Hillsdale participates in the Bergen County Home Improvement Rehabilitation Program, which provides funding to rehabilitate affordable owner occupied units. Five Borough properties have been rehabilitated since 2000 through the County program. All five units were reported in the COAH monitoring process.

N.J.A.C. 5:97-6.2(b)6 states that a municipality must include rental units as part of its rehabilitation program, and that if a municipality participates in a County rehabilitation program that is solely for owner occupied units, the municipality shall establish a rehabilitation program for rental units. Therefore, the Borough proposes to rehabilitate the remaining one unit of its rehabilitation obligation through an alternative local program.

The rental unit proposed for rehabilitation would be administered through a municipal rehabilitation program. The Borough would establish the program based on COAH rules. The Borough will commit to fund an average rehabilitation investment of \$10,000 per unit. Funding for the local rehabilitation program would be from revenue generated by the development fee ordinance. The Borough will commit to fund any remaining shortfall as evidenced in the Borough Council Resolution contained in Appendix C.

PRIOR ROUND OBLIGATION

The Borough of Hillsdale has an assigned prior round obligation of 111 affordable units. The Borough has met the 111 unit obligation, and received substantive certification in November 2001 with a surplus of affordable housing units.

The Borough has met its prior round obligation via the following mechanisms:

Prior Round Credits

Allowable credits are detailed in N.J.A.C. 5:97-4. COAH allows credits for units built and occupied after April 1, 1980. COAH did not establish criteria for low and moderate income units until December 15, 1986. Therefore, COAH credits units built before December 15, 1986 differently than those that were built after this date.

Housing Constructed and Occupied Between April 1, 1980 and December 15, 1986

N.J.A.C. 5:97-4.2 allows for a one-to-one reduction of housing units constructed and occupied between April 1, 1980 and December 15, 1986. Pursuant to this section, the Borough of Hillsdale is entitled to **93 credits** as follows:

1. The Hillsdale House, located at 32 Piermont Avenue is a 100-unit rental apartment building built in 1986 subsidized pursuant to Section 202 of the Federal Housing Act of 1959. Eighty-nine of the units are restricted to low income senior citizens and thereby provide **89 credits**. Ten additional units are not age restricted and will be applied toward Growth Share. The remaining apartment is used by the superintendent and is not an affordable unit.

The Hillsdale House is owned by the Hillsdale Senior Housing Corporation, a non-profit organization, and managed by Emerald Management.

2. The remaining **four credits** originate from a property owned by New Concepts for Living, Inc., located on Ruckman Avenue that is classified as supportive and special needs housing. The unit of credit for a group home such as the subject property is the bedroom.

The property on Ruckman Ave. contains four bedrooms, all of which are rental units. The New Concepts clients are developmentally disabled adults, age 18 and older. Most clients have little or no income. For those that have an income, it is controlled by either their parents or the State of New Jersey. New Concepts is licensed by the New Jersey Division of Health (DHA), and its clients are referred from the New Jersey Division of the Developmentally Disabled (DDD).

Housing Constructed Subsequent to December 15, 1986

N.J.A.C. 5:97-4.3 allows for a municipality to receive a one-for-one credit for every low and moderate income housing unit constructed subsequent to December 15, 1986. Hillsdale is entitled to **14 credits** for housing units constructed subsequent to December 15, 1986. The credits originate from three alternate living arrangement properties as follows:

1. **6 credits**, Spectrum for Living – Hillsdale, Magnolia Avenue.

This six-bedroom property is licensed by the New Jersey Department of Human Services for operation. The clients are developmentally disabled adults. All residents are low income, and income affordability is completed through Housing and Urban Development (HUD). All six units are rental units.

2. **4 credits**, Care Plus New Jersey, Inc., Patterson Street.

Care Plus New Jersey is a non-profit organization that runs group homes for the State of New Jersey. This four-bedroom property is licensed by the New Jersey Department of Human Services. The clients are developmentally disabled adults, age eighteen and older. The units are considered affordable to low and moderate income persons, and are subsidized by the State. This property is residential rather than nursing home or hospital in nature. The residents are required to have a certain level of self-sufficiency to live here. All four of the units are rental units.

3. **4 credits**, Care Plus New Jersey, Inc., Park Avenue.

The same licensing is obtained, and the same services are offered at this location as the Patterson Street property.

Prior Round Rental Bonus Credit

Pursuant to N.J.A.C. 5:97-3.4(a), every municipality has an obligation to create a realistic opportunity to construct rental units. COAH calculates a rental obligation for each municipality based on the municipality's prior obligation. COAH calculates that Hillsdale has a prior round rental obligation of 23 units.

N.J.A.C. 5:97-3.5(a) states that municipalities shall also receive a rental bonus credit for every eligible unit of housing built subsequent to December 15, 1986 provided it meets the applicable criteria. Pursuant to N.J.A.C. 5:97-3.5(a), a municipality shall receive two units of credit for rental units available built after December 15, 1986 that are not age-restricted. The fourteen group home units constructed after December 15, 1986 are all rental units. Therefore, Hillsdale qualifies for **14 rental bonus credits** for the 14 alternative living arrangements.

Prior Round Summary

The Borough of Hillsdale's prior round obligation of 111 units is exceeded as follows:

April 1980 – December 15, 1986 Housing	93
Housing Built after December 15, 1986	14
Prior Round Rental Bonus Credit	14

TOTAL	121

All required documentation on prior round compliance has been submitted with the petition for Second Round substantive certification and the previous Third Round petition for substantive certification. In addition, all prior round compliance mechanisms have been documented via the COAH monitoring system.

PROJECTED GROWTH SHARE OBLIGATION

A municipality's Third Round Fair Share Plan must contain a realistic opportunity to meet its projected growth share. By using Worksheet C the Borough has a projected growth share of 35 units.

Pursuant to N.J.A.C. 5:97, the plan must provide for the following types of affordable units:

- 18 of the 35 affordable units must be family units in accordance with COAH rules.
- 9 of the 35 units must be rental units.
- 5 of the units must be affordable to very low income households.

The Borough of Hillsdale is meeting its 35 unit projected growth share obligation through supportive housing, inclusionary zoning, family unit credit from prior round development, and surplus credits from the prior round obligation. According to the Borough Engineer, existing and proposed infrastructure can accommodate all proposed changes in zoning.

Information on each mechanism is provided on the COAH Petition Application and follows:

Supportive Housing

The Borough of Hillsdale receives **four** units of credit for a four bedroom group home located on Park View Drive in Hillsdale. All four of the bedroom units are rental units. The supportive housing serves the seriously mentally ill and previously homeless population and is licensed by the NJ Department of Human Service Division of Mental Health Services (DMHS).

The group home has been in existence at this site since July 1997. The owner and sponsor of the property is Alliance Against Homelessness (AAH) of Bergen County, Inc.

The subject property is located in Planning Area 1 and in an R-2/Residential zone. The immediate neighborhood is residential. According to the Borough Engineer, the subject property has adequate water and sewer available and does not have any environmental constraints. The subject property contains about 7,500 SF or 0.17 acre.

The four unit group provides four units toward the very low income requirement.

Inclusionary Zoning

The Borough of Hillsdale is proposing two sites for inclusionary zoning pursuant to N.J.A.C. 5:97-6.4. In addition, a private developer is proposing an inclusionary development.

Affordable Housing Zone 1/AH-1: Block 1007, Lots 13-16

The subject property is owned by Hillsdale Realty Corp. and Inserra Corp. and is located on Broadway in the C/Commercial Zone district. According to the Borough Engineer, the subject property has been in the Commercial Zone for at least 30 years. The project developer is unknown at this time. The subject property is located in Planning Area 1 and is not classified as an urban center or workforce housing census tract.

The subject lots combined total about 1.73 acres and have direct access to Broadway. The proposed AH-1 Zone will provide either a completely inclusionary development or a mixed use inclusionary development combined with a commercial development. The proposed densities conform to N.J.A.C.5:97-6.4. Pursuant to N.J.A.C. 5:97-6.4(b)6, the developer will have the option to construct rental or owner occupied housing units. It is assumed that the AH-1 Zone will result in rental units constructed at a density of 12 units per acre with a 20% affordable housing set aside. It is anticipated that the proposed inclusionary development would result in

four affordable family housing units, of which at least one would be affordable to very low income households.

The draft ordinance and tax map are contained in the Inclusionary Zone Attachment.

Finally, the Borough Engineer has determined that there is sufficient water and sewer capacity for the subject property to be developed as an inclusionary zone. The Borough Engineer also has determined that these lots do not contain any environmental constraints.

The COAH Subcommittee recognized that the subject properties are suited for affordable housing due to their proximity to the Hillsdale business district, their location between the Hillsdale and Woodcliff Lake train stations, and their siting on a County road.

The Borough of Hillsdale receives **four** units of family unit credit for the AH-1 Zone district. The subject properties are located less than a mile from both the Woodcliff Lake and Hillsdale train stations, and about three blocks from a townhouse development. The subject properties are located in between two train stations and within walking distance of the Hillsdale commercial area and a higher density townhouse development. Due to their proximity to mass transit and the general development of the area, the development can be characterized as Transit Oriented Development and are eligible for Smart Growth Bonus credits pursuant to N.J.A.C. 5:97-3.18.

Affordable Housing Zone 2/AH-2: Block 1106, Lots 4.01-4.04

The subject properties are owned by the Borough of Hillsdale and are located on Hillsdale Ave. in the C/Commercial Zone district. According to the Borough Engineer, the subject properties have been in the Commercial Zone for at least 30 years. The project developer is unknown at this time. The subject property is located in Planning Area 1 and is not classified as an urban center or workforce housing census tract.

The subject lots combined total about 1.46 acres and have direct access to Hillsdale Ave. The proposed AH-2 Zone will provide an inclusionary development with rental housing units. Because this site is municipally-owned, rental units are required rather than optional. The proposed density is 12 units per acre with a 20% affordable housing set aside. It is anticipated that the proposed inclusionary development would result in four affordable family housing units, of which at least two would be affordable to very low income households. In addition, because the lots are municipally owned, any potential bedroom distribution shortfalls in the Borough could be compensated for within the AH-2 Zone.

The draft ordinance and tax map are contained in the Inclusionary Zone Attachment.

Finally, the Borough Engineer has determined that there is sufficient water and sewer capacity for the subject property to be developed as an inclusionary zone. The Borough Engineer had identified that flood plain location, stream classification and stream buffers may constrain development of approximately one-half of the site.

The COAH Subcommittee recognized that the subject properties are suited for affordable housing due to their location in the Hillsdale business district, which contains several buildings with mixed commercial/apartment use. In addition, a high density inclusionary residential development is proposed, and a mixed use commercial/residential development is under construction, approximately two blocks from the subject lots. The site is located next to the Hillsdale library and across from a House of Worship. The Hillsdale train station is located about two blocks (approximately 700 ft.) from the proposed AH-2 Zone. Finally, because the Borough owns the lots, there is flexibility with their development to maximize both the benefit to the Borough and to the public.

The Borough of Hillsdale receives **four** units of family unit credit for the AH-2 Zone district. In addition, the subject properties are within walking distance of the Hillsdale train station and are located in a pedestrian-friendly downtown area with sidewalks, commercial buildings, mixed use buildings and a proposed high density residential building. The proposed AH-2 zone can be classified as Transit Oriented Development and is eligible for the Smart Growth bonus credits pursuant to N.J.A.C. 5:97-3.18.

Proposed Inclusionary Development

V & R Developers is proposing an inclusionary development on Block 1101, Lots 6 & 7, known as 55 & 59 Patterson Street. The two lots combine total approximately 0.36 acre. Lot 6 is owned by Diane Fiorino and Dominic Tucci Jr., and Lot 7 is owned by Sisbro Enterprises.

The subject lots are in the C/Commercial Zone, which does not permit residential development. The applicant is seeking a use variance to construct 16 multi-family rental apartments, of which four units will be affordable to low and moderate income households. The properties are proposed as an inclusionary development pursuant to P.L. 2008 c. 46. Due to the small number of affordable housing units proposed, a waiver from UHAC requirements relative to bedroom distribution is requested.

The subject property is located in Planning Area 1 and is not classified as an urban center or workforce housing census tract.

The subject property is located across the street from a mixed use commercial/residential building that is currently under construction. In addition, it is less than 700 ft. from the Hillsdale train station, and located around the corner from proposed Affordable Housing Zone 2. The subject lots are also within walking distance of Hillsdale's downtown central business area.

The V & R development is proposed at this time, and the Borough can meet its 35 unit obligation without its approval. However, if the Planning Board approves the application, the Borough receives **four** units of credit for this development. In addition, the lots are less than a quarter mile from the train station and are located in a pedestrian-friendly area characterized by commercial and mixed-use development. Due to its location and the proposed development's high density, it can be classified as a Transit Village pursuant to N.J.A.C. 5:97-1.4 and is eligible for the Smart Growth bonus credits pursuant to N.J.A.C. 5:97-3.18.

Prior Round Family Unit Credits

As explained under Prior Round Obligation, the Hillsdale House, located at 32 Piermont Ave. contains 89 age restricted units. The Hillsdale House also contains ten rental housing units that are considered "mobility restricted" units. These ten units are self contained units that are not restricted by age and therefore qualify as family units pursuant to COAH rules.

The Borough of Hillsdale receives **ten** units of family unit credit for the "mobility impaired" units at the Hillsdale House.

All required documentation on the Hillsdale House has been submitted with the petition for Second Round substantive certification and the previous Third Round petition for substantive certification. In addition, information on the Hillsdale House has been documented via the COAH monitoring system.

General Surplus Credits, Prior Round

As shown under the Prior Round Obligation analysis, the Borough maintains a minimum of ten general units of credit from Prior Round Substantive Certification. These ten surplus credits from prior round are in addition to the ten "mobility impaired" units at the Hillsdale House.

The Borough of Hillsdale receives **10** units of credit from Prior Round general surplus credits.

Development Fee Ordinance

COAH approved the Borough of Hillsdale's development fee ordinance on December 10, 2007. The Borough adopted its development fee ordinance on March 4, 2008.

The Borough is proposing to amend its development fee ordinance to comply with N.J.A.C. 5:97-8.3 and P.L. 2008 c. 46. The proposed development fee ordinance increases the residential development fee to 1.5% of the equalized assessed valuation. The ordinance changes the nonresidential development fee to 2.5% on equalized assessed valuation in conformance with P.L. 2008 c. 46.

The draft ordinance was developed using COAH model documents.

Included in Appendix D are the following documents related to the development fee ordinance.

- A copy of the draft ordinance for the collection of fees.
- A copy of the governing body resolution requesting COAH review and approve the development fee ordinance.
- A draft spending plan.
- A draft resolution from the governing body requesting COAH review the spending plan.

Growth Share Ordinance:

On February 6, 2007 the Borough adopted Ordinance 07-01, which permits age-restricted housing (55 and older) as a conditional use in the R-2 zone district. Eligible properties must contain a minimum of eight acres.

The ordinance includes a growth share component, which requires the onsite construction of one affordable housing unit for every eight market rate units constructed. The ordinance also includes a payment in lieu option for addressing the growth share requirement.

The Hillsdale Planning Board approved one age-restricted development pursuant to ordinance 07-01 as memorialized in Resolution PZ-17-07. Item N on page 20 of the resolution states, "Applicant shall pay COAH fees for the provision of affordable housing in accordance with the Hillsdale Senior Housing Ordinance or such higher fees as may be adopted by the Mayor and Council of Hillsdale pursuant to COAH's Third Round rules." The approved age-restricted development currently is the subject of a legal challenge.

CONCLUSION

The Borough meets its 111 unit Prior Round obligation, 6 unit Rehabilitation obligation and 35 unit projected Growth Share.

The total proposed credits and bonuses are listed in the COAH Petition Application. The Growth Share is met via credits carried over from prior round, proposed inclusionary zones and developments and supportive housing. Rental bonus credits and smart growth credits have been applied where appropriate.

APPENDIX A: Worksheet C and attachments

Summary of Adjusted Growth Share Projection Based On Land Capacity
(Introduction to Workbook C)

Municipality Name: Borough of Hillsdale

This workbook contains two separate worksheets to be used for determining the projected Municipal Growth Share Obligation. Worksheet A must be completed by all municipalities. The Worksheet is a tool that allows the user to enter COAH-generated Growth Projections included in Appendix F(2) of the revised Third Round Rules to determine the projected Growth Share Obligation after applying exclusions permitted by N.J.A.C. 5:97-2.4. Municipalities that accept the COAH-generated Growth projections need only use Worksheet A.

[Click Here to complete Worksheet A](#)

Municipalities seeking to request a downward adjustment to the COAH-generated growth projections may do so by providing a detailed analysis of municipal land capacity. After completing this analysis, the growth projections may be lowered if the resulting growth share obligation results in a figure that is at least 10 percent lower than the projected Growth Share Obligation that would result from the COAH-generated growth projections. Actual growth must first be determined using the Actual Growth worksheet. A growth projection adjustment may only apply to any remaining growth.

[Click Here to Enter Actual Growth to Date](#)

[Click Here to Complete the Residential Parcel Inventory and Capacity Analysis](#)

[Click Here to Complete the Non-residential Parcel Inventory and Capacity Analysis](#)

Summary Of Worksheet Comparison

	COAH Projected Growth Share (From Worksheet A)	Growth Share Based on Municipal Capacity (From Worksheet C)
Residential Growth	195	77
Residential Exclusions	0	0
Net Residential Growth	195	77
Residential Growth Share	39.00	15.38
Non-Residential Growth	139	319
Non-Residential Exclusions	0	0
Net Non- Residential Growth	139	319
Non-Residential Growth Share	8.69	19.92
Total Growth Share	48	35

The Municipal land capacity analysis results in a reduction to the COAH-generated growth projection. Please file Workbook C and use a Residential Growth Share of 15.38 plus a Non-residential Growth Share of 19.92 for a total Growth Share Obligation of 35 affordable units

Growth Projection Adjustment - Actual Growth

Municipality Name: **Borough of Hillsdale**

Actual Growth 01/01/04 to Present					
Residential COs Issued	28				
		Square Feet Added (COs Issued)	Square Feet Lost Demolition Permits Issued)	Jobs/1,000 SF	Total Jobs
Non-residential CO's by Use Group					
B		0		2.8	0.00
M		0		1.7	0.00
F		0		1.2	0.00
S		0		1.0	0.00
H		0		1.6	0.00
A1		0		1.6	0.00
A2		0		3.2	0.00
A3		7510		1.6	12.02
A4		18035		3.4	61.32
A5		0		2.6	0.00
E		72414		0.0	0.00
I		0		2.6	0.00
R1		0		1.7	0.00
Total		97959	0		73

[Return to Growth Projection Adjustment Summary Screen](#)

[Proceed to Inventory of Vacant Residential Land](#)

[Proceed to Inventory of Non-residential Land](#)

Worksheet A: Growth Share Determination Using Published Data
(Appendix F(2), *Allocating Growth To Municipalities*)

COAH Growth Projections

Must be used in all submissions

Municipality Name: Borough of Hillsdale

Enter the COAH generated growth projections form Appendix F(2) found at the back of N.J.A.C. 5:97-1 et seq. on Line 1 of this worksheet. Use the Tab at the bottom of this page or the links within the page to toggle to the exclusions portion of this worksheet. After entering all relevant exclusions, toggle back to this page to view the growth share obligation that has been calculated based on COAH's growth projections.

	Residential	Non-Residential
1 Enter Growth Projections From Appendix F(2)*	195	139
2 Subtract the following Residential Exclusions pursuant to 5:97-2.4(a) from "Exclusions" tab	Click Here to enter Prior Round Exclusions	
COs for prior round affordable units built or projected to be built post 1/1/04		
Inclusionary Development	0	
Supportive/Special Needs Housing	0	
Accessory Apartments	0	
Municipally Sponsored or 100% Affordable	0	
Assisted Living	0	
Other	0	
Market Units in Prior Round Inclusionary development built post 1/1/04	0	
3 Subtract the following Non-Residential Exclusions (5:97-2.4(b))		
Affordable units	0	
Associated Jobs		0
4 Net Growth Projection	195	139
5 Projected Growth Share (Conversion to Affordable Units Divide HH by 5 and Jobs by 16)	39.00 Affordable Units	8.69 Affordable Units
6 Total Projected Growth Share Obligation		48 Affordable Units

[Click Here to return to Workbook C Summary](#)

* For Residential Growth, See Appendix F(2), Figure A.1, Housing Units by Municipality. For Non-residential Growth, See Appendix F(2), Figure A.2, Employment by Municipality

Affordable and Market-Rate Units Excluded from Growth

Municipality Name: Borough of Hillsdale

Prior Round Affordable Units NOT included in Inclusionary Developments Built Post 1/1/04

Development Type	Number of COs Issued and/or Projected
Supportive/Special Needs Housing	
Accessory Apartments	
Municipally Sponsored and 100% Affordable	
Assisted Living	
Other	
Total	0

Market and Affordable Units in Prior Round Inclusionary Development Built post 1/1/04

N.J.A.C. 5:97-2.4(a)

(Enter Y for yes in Rental column if rental units resulted from N.J.A.C. 5:93-5.15(c)5 incentives)

Development Name	Rentals? (Y/N)	Total Units	Market Units	Affordable Units	Market Units Excluded
		0			0
		0			0
		0			0
		0			0
		0			0
Total		0	0	0	0

Jobs and Affordable Units Built as a result of post 1/1/04 Non-Residential Development

N.J.A.C. 5:97-2.4(b)

Development Name	Affordable Units Provided	Permitted Jobs Exclusion
		0
		0
		0
		0
Total	0	0

[When finished, click here to return to Worksheet A](#)

[illegible]

[Click Here to Return to Workbook C Summary](#)
[Click Here to Proceed to Residential Parcel Inventory and Capacity Analysis](#)

Add More Sheets

Subtotal This Page	245.36
Subtotal Page 2	0.00
Subtotal Page 3	0.00
Subtotal Page 4	0.00
Grand Total	245.36

Borough of Hillsdale Growth Projection Adjustment - Residential Parcel Inventory

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Acr)	Capacity (Units)
102	1	90 Wierimus Rd	Higgins, William F.	1	N	Y		5.96	5.96	Developed land - approved site plan	0.00	8.00	0.00
401	5	Rear Plymouth Rd	Laurie, Dana & Ellen	1	N	Y		0.18	0.18	Category One waterway constraints	0.00	8.00	0.00
402	14	78 Plymouth Rd	Mobility Builders, LLC	1	N	Y		0.34	0.34	Developed land	0.00	8.00	0.00
502	7	02 5 Beechnut St	Clemense, Timothy & Robin	1	N	Y		0.37	0.37	Developed land	0.00	8.00	0.00
503	4	788 Hillsdale Ave	Saddlewood Hills Properties Limited	1	N	Y		12.15	10.50	Dedicated open space	1.65	8.00	13.20
601	17	42 Crestwood Pl	Green, Jane A.	1	N	Y		0.0746	0.0746	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
604	1	150 Wierimus Lane	Lustigman, Andrew & Jill Kallet	1	N	Y		0.05			0.00	8.00	0.00
604	2	130 Wierimus Lane	Lawrence, David & Lauretta	1	N	Y		0.435			0.44	8.00	3.48
702	7	70 Wierimus Lane	Ashby, Patricia	1	N	Y		0.6182			0.62	8.00	4.95
702	5	46 Elm St	Woods, John	1	N	Y		0.1056	0.1056	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
702	11	49 Oak St	Giblin, Thomas J	1	N	Y		0.1722			0.17	8.00	1.38
707	7	Cherry Place	Cole, Stanley W. III	1	N	Y		0.0343	0.0343	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
719	8	10 Elm St	Fanelli, L & Dal Cortivo	1	N	Y		0.1146	0.1146	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
808	11	Rear Block 808/Lot 1	Jack Ely Real Estate LLC	1	N	Y		0.2663	0.2663	Category One waterway constraints	0.00	8.00	0.00
1005	5	Reservoir Property	Hackensack Water Co	1	N	Y		11.3699	11.3699	Category One waterway constraints	0.00	8.00	0.00
1007	1	Reservoir Property	Hackensack Water Co	1	N	Y		0.2667	0.2667	Category One waterway constraints	0.00	8.00	0.00
1007	4	Reservoir Property	Hackensack Water Co	1	N	Y		8.76	8.76	Category One waterway constraints	0.00	8.00	0.00
1101	2	Rear Hillsdale Ave	Jordan, Jose D & Teresa A	1	N	Y		1.1	1.1	Landlocked	0.00	8.00	0.00
1105	17	31 Hazelwood Ave	Countryside Plumbing & Heating, Inc	1	N	Y		0.1377	0.1377	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00

Click Here to Return to Workbook C Summary

Click Here to Proceed to Non-residential Parcel Inventory and Capacity Analysis

Add More sheets

Subtotal This Page	23.00
Subtotal Page 2	13.54
Subtotal Page 3	12.37
Subtotal Page 4	0.00
Subtotal Add'l Pages	0.00
Grand Total	48.92

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Borough of Hillsdale Growth Projection Adjustment - Residential Parcel Inventory Page 2

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC.11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
1107	12	38 Riverside Dr	Hadam, Stanislaw & Maral	1	N	Y		0.44	0.44	Flood hazard	0.00	8.00	0.00
1107	17	The Brook & Beechwood	Hong, Myung & Younghye	1	N	Y		0.22	0.22	Flood hazard	0.00	8.00	0.00
1108	9	57 Beechwood Dr	Gardner, Doris M	1	N	Y		0.11	0.11	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
1109	2	52 Beechwood Dr	LJL Realty Inc	1	N	Y		0.26	0.26	Developed land	0.00	8.00	0.00
1109	3	46 Beechwood Dr	Gassio, Joseph E.	1	N	Y		0.13	0.13	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1112	3	45 Sycamore Ave	Kelley, Thomas & Elizabeth M	1	N	Y		0.0574	0.0574	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1114	4	04 42 Summit Ave	Heck, Richard A.	1	N	Y		0.7031	0.7031	Developed land	0.00	8.00	0.00
1115	3	12 Boulevard South	Regna, Robert E & Beverly A.	1	N	Y		0.3673	0.3673		0.37	8.00	2.94
1115	4	10 Boulevard South	Regna, Robert E & Beverly A.	1	N	Y		0.3673	0.3673		0.37	8.00	2.94
1120	13	77-79 Beechwood Dr	Ochoa, Manuel	1	N	Y		0.1148	0.1148	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
1303	26	Island Pascack Brook	Ritzler, Estate of Leon	1	N	Y		0.1263	0.1263	Lot would accommodate less than 1 dwelling unit, landlocked	0.00	8.00	0.00
1303	27	Rear Stockton St	Ritzler, Estate of Leon	1	N	Y		0.1837	0.1837		0.18	8.00	1.47
1308	15	333 Washington Ave	Kaczala, Walter & Lillian	1	N	Y		0.3444	0.3444		0.34	8.00	2.76
1401	4	184 Broadway	Sibro Enterprises, LLC	1	N	Y		0.4304	0.4304		0.43	8.00	3.44
1403	24	Rear Magnolia Ave	Cron, Ann Janet	1	N	Y		0.0697	0.0697	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1415	5	Hopper St	Pedersen, Edith	1	N	Y		0.1148	0.1148	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1505	12	283 St Nicholas Ave	Tang, Daman & Pamela	1	N	Y		0.1165	0.1165	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1508	8	Riverdale St	Vogt, Charles R. & Ellen C.	1	N	Y		0.0574	0.0574	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1508	9	71 Oakland St	Wolff, Steve A. & Shelley Ann	1	N	Y		0.0574	0.0574	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
											Total Page 2		
											13.54		

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Residential Inventory Main Page

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Borough of Hillsdale Growth Projection Adjustment - Residential Parcel Inventory Page 3

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
1510	13.01	234 Kinderkamack Rd	Marsala, Doris A	1	N	Y		0.31	0.31	Developed land	0.00	8.00	0.00
1510	13.02	240 Kinderkamack Rd	Marsala, Doris A	1	N	Y		0.28	0.28	Developed land	0.00	8.00	0.00
1516	14	180 Evergreen St	Arden, Edward & Donna	1	N	Y		0.06	0.06	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1522	13	38-44 Wilts Ave	Byrne, Michael V & Michele R	1	N	Y		0.02	0.02	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1614	6	29 Dwight Ave	Daniels, Pamela A	1	N	Y		0.06	0.06	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1706	38	Rear Crosley Terr	Winkler, Frederick & Erika	1	N	Y		0.6497	0.6497	Category One waterway constraints, landlocked	0.00	8.00	0.00
1706	39	Rear Hopkins St	Gray, Kevin & Susan A	1	N	Y		0.8494	0.8494	Category One waterway constraints, landlocked	0.00	8.00	0.00
1706	40	Rear Crosley Terr	Alps, Inc.	1	N	Y		0.792	0.792	Category One waterway constraints, landlocked	0.00	8.00	0.00
1706	41	Rear Crosley Terr	Alps, Inc.	1	N	Y		0.5475	0.5475	Category One waterway constraints, landlocked	0.00	8.00	0.00
1706	42	Rear Crosley Terr	Alps, Inc.	1	N	Y		0.2043	0.2043	Category One waterway constraints, landlocked	0.00	8.00	0.00
1902	10	271 Piermont Ave	Jeffery, Ernest & Arlene	1	N	Y		0.4211	0.4211		0.42	8.00	3.37
2001	1	Rear of Ruckman Road	Edgewood County Club, Inc.	1	N	Y		1.2826	1.2826	Landlocked, part of other developed lands	0.00	8.00	0.00
2101	30	167 Ruckman Ave	Barber, Kenneth M. & Sharon B	1	N	Y		0.3444	0.3444	Wetland constraints	0.00	8.00	0.00
1212	15	305 Patterson St(split)	Jeanne Marie Assoc. LLC	1	N	Y		2.5946	2.5946	Wetland constraints	0.50	8.00	4.00
506	2	213 Ell Road	Star Homes Inc	1	N	Y		0.0871	0.0871	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
506	1	3 Pasceack Road	Golden Orchards Associates, LP	1	N	Y		9.778	9.778	Approved per Ord. 07-01 w/ growth share component	0.00	8.00	0.00
909	7	Rear Morris Drive	Volek	1	N	Y		6.67	6.67	Wetland constraints	0.63	8.00	5.00
202	1	215 Wierimus Drive	Denarest Farms	1	N	Y		11.577	11.577	Protected farmland	0.00	8.00	0.00
											Total Page 3		
											12.37		

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Borough of Hillisdale Growth Projection Adjustment - Residential Parcel Inventory Page 4

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
1610	9 77 Ralph Ave		Borough of Hillisdale	1	N	Y		0.12	0.12	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
101	9 46 Beverly Rd		Borough of Hillisdale	1	N	Y		0.21	0.21	Category One waterway constraints, right of way	0.00	8.00	0.00
203	14.01 Sierra Court Rear		Borough of Hillisdale	1	N	Y		0.03	0.03	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
207	1 Wierimus Road		Borough of Hillisdale	1	N	Y		0.05	0.05	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
503	1 Beechnut St		Borough of Hillisdale	1	N	Y		0.25	0.25	Wetland constraints, right of way	0.00	8.00	0.00
504	53 Rear Hillisdale Court		Borough of Hillisdale	1	N	Y		0.23	0.23	Landlocked	0.00	8.00	0.00
601	25 Oak Trail Rd		Borough of Hillisdale	1	N	Y		0.186	0.186	Wetland constraints, right of way	0.00	8.00	0.00
601	42 Upper Brook Lane		Borough of Hillisdale	1	N	Y		0.073	0.073	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
702	2 583 Hillisdale Ave		Borough of Hillisdale	1	N	Y		0.23	0.23	Wetlands	0.00	8.00	0.00
702	3 74 Elm St		Borough of Hillisdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
702	4 5 Elm St		Borough of Hillisdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
702	6 42 Elm St		Borough of Hillisdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
702	7 86 Maple Ave		Borough of Hillisdale	1	N	Y		0.23	0.23	Wetland constraints	0.00	8.00	0.00
702	12 Oak St		Borough of Hillisdale	1	N	Y		0.057	0.057	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
703	1 621 Hillisdale Ave		Borough of Hillisdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
703	9 43 Elm St		Borough of Hillisdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit, wetlands	0.00	8.00	0.00
703	10 47 Elm St		Borough of Hillisdale	1	N	Y		0.287	0.287	Wetland constraints	0.00	8.00	0.00
717	7 12 Chestnut St		Borough of Hillisdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
719	7 Elm St & Maple Ave		Borough of Hillisdale	1	N	Y		0.574	0.574	Wetland constraints	0.00	8.00	0.00
719	9 Elm St & Fernwood Ave		Borough of Hillisdale	1	N	Y		0.358	0.358	Wetland constraints	0.00	8.00	0.00
Total Page 4												0.00	

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Borough of Hillsdale Growth Projection Adjustment - Residential Parcel Inventory Page 5

Block	Lot	Address	Owner	SDRP Planning Area	Urban Center (Y/N)	Sewer Service Area (Y/N)	HUC 11 NO3 Density*	Total Acreage	Constrained Acreage	Constraint Description	Buildable Acreage	Density (Units/Ac)	Capacity (Units)
802	4	Saddle Ranch Road	Borough of Hillsdale	1	N	Y		0.05	0.05	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
802	9	Saddle Ranch Road	Borough of Hillsdale	1	N	Y		0.04	0.04	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
803	17	Forest Dr	Borough of Hillsdale	1	N	Y		0.69	0.69	Category One waterway constraints	0.00	8.00	0.00
906	13	Eastment	Borough of Hillsdale	1	N	Y		0.08	0.08	Lot would accommodate less than 1 dwelling unit, right of way	0.00	8.00	0.00
906	20	Saddlewood Dr	Borough of Hillsdale	1	N	Y		0.34	0.34	Right of Way	0.00	8.00	0.00
908	10	102 Saddlewood Dr	Borough of Hillsdale	1	N	Y		0.161	0.161	Lot would accommodate less than 1 dwelling unit, c1	0.00	8.00	0.00
908	16	Rear Saddlewood Dr	Borough of Hillsdale	1	N	Y		2.9	2.9	Category One waterway constraints	0.00	8.00	0.00
1111	1	49 Lafayette Ave	Borough of Hillsdale	1	N	Y		0.023	0.023	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1111	6	25 Glendale Dr	Borough of Hillsdale	1	N	Y		0.057	0.057	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1111	12	6 Center Drive	Borough of Hillsdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1112	11	26 Hazelwood Ave	Borough of Hillsdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1113	9	Center Drive	Borough of Hillsdale	1	N	Y		0.115	0.115	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1408	32	Large Ave	Borough of Hillsdale	1	N	Y		0.024	0.024	Lot would accommodate less than 1 dwelling unit	0.00	8.00	0.00
1706	43	Carlyle Place	Borough of Hillsdale	1	N	Y		0.161	0.161	Lot would accommodate less than 1 dwelling unit, c1	0.00	8.00	0.00
1903	31	Piermont Ave	Borough of Hillsdale	1	N	Y		0.918	0.918	Category One waterway constraints	0.00	8.00	0.00
2001	5	20 Piermont Ave	Borough of Hillsdale	1	N	Y		0.377	0.377	Category One waterway constraints	0.00	8.00	0.00
2301	9	Kent Road Rear	Borough of Hillsdale	1	N	Y		0.161	0.161	Lot would accommodate less than 1 dwelling unit, c1	0.00	8.00	0.00
2301	10	Baylor Ave	Borough of Hillsdale	1	N	Y		0.071	0.071	Lot would accommodate less than 1 dwelling unit, c1	0.00	8.00	0.00
												Total Page 4	0.00

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ATTN: CAROLINE

FROM: DEBRA

NEW B:102 PROPERTY LOC: 90 WIERIMUS RD HIGGINS, WILLIAM F. 90 WIERIMUS RD HILLSDALE NJ 07642 1039	L:1 1	NEW B:702 PROPERTY LOC: 46 ELM ST. WOODS, JOHN MRS. C/O M.LUNSFORD 3787 RIDDLE ROAD WEST PALM BEACH, FLORIDA 33460	L:5 1	NEW B:1101 PROPERTY LOC: 55 PATTERSON STREET FIORINO, DIANNE & TUCCI JR, DOMINIC 11 LANGERFIELD ROAD 27 HILLSDALE, NJ 07642	L:6 1
NEW B:401 PROPERTY LOC: REAR PLYMOUTH RD LAURIA, DANA & ELLEN 47 HERITAGE CT HILLSDALE NJ 07642 1226	L:5 1	NEW B:702 PROPERTY LOC: 49 OAK ST. GIBLIN, THOMAS J. 10 GARBER SQUARE SUITE 2 RIDGEWOOD, NJ 07450	L:11 1	NEW B:1102 PROPERTY LOC: 135 BROADWAY BANK OF AMERICA P.O. BOX 2818 C/O B WOLFF ALPHARETTA, GA 30023	L:3 1
NEW B:402 PROPERTY LOC: 78 PLYMOUTH RD MOBILITY BUILDERS, LLC 1625 ROUTE 10 EAST MORRIS PLAINS, NJ 07950	L:14 1	NEW B:707 PROPERTY LOC: CHERRY PLACE COLE, STANLEY W. III 47 CHERRY PL HILLSDALE NJ 07642 2524	L:7 1	NEW B:1106 PROPERTY LOC: 31 HAZELWOOD AVE COUNTRYSIDE PLUMBING&HEATING, INC 73 PROSPECT PL HILLSDALE NJ 07642 2048	L:17 1
NEW B:502 PROPERTY LOC: 5 BEECHNUT ST. CLEMENSEN, TIMOTHY & ROBIN 609 NORTH BROADWAY UPPER NYACK, NY 10960	L:7.02 1	NEW B:719 PROPERTY LOC: 10 ELM ST FANELLI L. & DAL CORTIVO, J. 453 WESTERN HWY BLAUVELT NY 10913 2014	L:8 1	NEW B:1107 PROPERTY LOC: 38 RIVERSIDE DRIVE HADAM, STANISLAW & MARIA 383 MCKINLEY ST FAIRVIEW NJ 07022 1914	L:12 1
NEW B:503 PROPERTY LOC: 786 HILLSDALE AVE. SADDLEWOOD HILLS PROPERTIES LIMITED 7782 TENNYSON CT BOCA RATON FL 33433 4141	L:4 1	NEW B:808 PROPERTY LOC: REAR BLOCK 808/LOT1 JACK ELY REAL ESTATE LLC 93 PROSPECT PL HILLSDALE, NJ 07642	L:11 1	NEW B:1107 PROPERTY LOC: THE BROOK & BEECHWD HONG, MYUNG & YOUNGHYE 8 BEECHWOOD DR. HILLSDALE, NJ 07642	L:17 1
NEW B:506 PROPERTY LOC: 213 ELL ROAD STAR HOMES INC 477 MAIN ST HACKENSACK NJ 07601 5932	L:2 1	NEW B:1002 PROPERTY LOC: 9 PARK VIEW DR. RUMBO, STEPHANIE 24 LEHMAN ST MAHWAH NJ 07430 3049	L:8 1	NEW B:1108 PROPERTY LOC: 57 BEECHWOOD DRIVE GARDNER, DORIS M 215 FOURTH AVE, POB 1206 NORMANDY BEACH, NJ 08739	L:9 1
NEW B:601 PROPERTY LOC: 42 CRESTWOOD PL GREEN, JANE A. 185 PASCACK RD HILLSDALE NJ 07642 1324	L:17 1	NEW B:1005 PROPERTY LOC: RESERVOIR PROPERTY HACKENSACK WATER CO 200 OLD HOOK RD HARRINGTON PARK NJ 07640 1716	L:5 1	NEW B:1109 PROPERTY LOC: 52 BEECHWOOD DRIVE LJL REALTY INC 435 HUDSON ST HACKENSACK, NJ 07601	L:2 1
NEW B:604 PROPERTY LOC: 150 WIERIMUS LANE LUSTIGMAN, ANDREW & JILL KALLET 4 MULHOLLAND DR WOODCLIFF LAKE, NJ 07677	L:1 1	NEW B:1007 PROPERTY LOC: RESERVOIR PROPERTY HACKENSACK WATER CO 200 OLD HOOK RD HARRINGTON PARK NJ 07640 1716	L:1 1	NEW B:1109 PROPERTY LOC: 46 BEECHWOOD DR GASSIB, JOSEPH E 435 HUDSON ST HACKENSACK, NJ 07601	L:3 1
NEW B:604 PROPERTY LOC: 130 WIERIMUS LANE LAWRENCE, DAVID & LAURETTA 130 WIERIMUS LN HILLSDALE NJ 07642 1223	L:2 1	NEW B:1007 PROPERTY LOC: RESERVOIR PROPERTY HACKENSACK WATER CO 200 OLD HOOK RD HARRINGTON PARK NJ 07640 1716	L:4 1	NEW B:1112 PROPERTY LOC: 45 SYCAMORE AVE KELLEY, THOMAS S & ELIZABETH M 41 SYCAMORE AVE HILLSDALE, NJ 07642	L:3 1
NEW B:605 PROPERTY LOC: 70 WIERIMUS LANE ASHBY, PATRICIA 70 WIERIMUS LN HILLSDALE NJ 07642 1224	L:7 1	NEW B:1101 PROPERTY LOC: REAR HILLSDALE AVE JORDAN, JOSE D & TERESA A 232 SADDLEWOOD DR. HILLSDALE, NJ 07642	L:2 1	NEW B:1114 PROPERTY LOC: 42 SUMMIT AVE HECK, RICHARD A. 206 CENTER AVE WESTWOOD, NJ 07675 2280	L:4.04 1

VACANT LAND

NEW B:1115 L:3 1 PROPERTY LOC: 12 BOULEVARD SOUTH REGNA, ROBERT E & BEVERLY A 41 CREST RD HILLSDALE, NJ 07642	NEW B:1401 L:4 1 PROPERTY LOC: 184 BROADWAY SISBRO ENTERPRISES, LLC 11 LANGERFIELD ROAD HILLSDALE, NJ 07642	NEW B:1522 L:13 1 PROPERTY LOC: 38-44 WILTS AVE BYRNE, MICHAEL V & MICHELE R 48 WILTS AVE HILLSDALE, NJ 07642
NEW B:1115 L:4 1 PROPERTY LOC: 10 BOULEVARD SOUTH REGNA, ROBERT E & BEVERLY A 41 CREST RD HILLSDALE, NJ 07642	NEW B:1403 L:24 1 PROPERTY LOC: REAR MAGNOLIA AVE GRON, ANN JANET 187 MAGNOLIA AVE HILLSDALE NJ 07642 2132	NEW B:1614 L:6 1 PROPERTY LOC: 29 DWIGHT AVE DANIELS, PAMELA A. 195 ARTHUR ST HILLSDALE NJ 07642 1654
NEW B:1120 L:13 1 PROPERTY LOC: 77-79 BEECHWOOD DR. OCHOA, MANUEL 7 MICHAEL ST. WOODCLIFF LAKE, NJ 07677	NEW B:1415 L:5 1 PROPERTY LOC: HOPPER ST PEDERSEN, EDITH 35 LARGE AVE HILLSDALE NJ 07642 1943	NEW B:1706 L:38 1 PROPERTY LOC: REAR CROSELY TERR WINKLER, FREDERICK & ERIKA 49 CROSELY TER HILLSDALE NJ 07642 2859
NEW B:1201 L:1 1 PROPERTY LOC: 90-96 PATTERSON ST. 4 BROS INVESTMTS LLC 27 E KENNEDY ST HACKENSACK, NJ 07601	NEW B:1505 L:12 1 PROPERTY LOC: 283 ST NICHOLAS AVE TANG, DAMAN & PAMELA 287 SAINT NICHOLAS AVE HILLSDALE NJ 07642 1523	NEW B:1706 L:39 1 PROPERTY LOC: REAR HOPKINS ST GRAY, KEVIN & SUSAN A. 43 CROSELY TER HILLSDALE NJ 07642 2859
NEW B:1205 L:8 1 PROPERTY LOC: 273 BROADWAY PATERNO, JOHN C. 12 QUAIL RIDGE RD MONTVALE NJ 07645 2114	NEW B:1506 L:8 1 PROPERTY LOC: RIVERDALE ST VOGT, CHARLES R. & ELLEN C. 94 CLINTON AVE HILLSDALE NJ 07642 1815	NEW B:1706 L:40 1 PROPERTY LOC: REAR CROSELY TERR ALPS, INC. 49 MAPLE AVE STOCKHOLM NJ 07460 1123
NEW B:1212 L:15 1 PROPERTY LOC: 305 PATTERSON ST JEANNE MARIE ASSOC., LLC 7A JEANNE MARIE GARDENS NANUET, NY 10954	NEW B:1508 L:9 1 PROPERTY LOC: 71 OAKLAND ST WOLFF, STEVEN A. & SHELLEY ANN 73 OAKLAND ST HILLSDALE NJ 07642 1823	NEW B:1706 L:41 1 PROPERTY LOC: REAR CROSELY TERR ALPS, INC. 49 MAPLE AVE STOCKHOLM NJ 07460 1123
NEW B:1212 L:16 1 PROPERTY LOC: PATTERSON ST JEANNE MARIE ASSOC LLC 7A JEANNE MARIE GARDENS NANUET, NY 10954	NEW B:1510 L:13.01 1 PROPERTY LOC: 234 KINDERKAMACK RD MARSALA, DORIS A 234 KINDERKAMACK RD 27 HILLSDALE, NJ 07642	NEW B:1706 L:42 1 PROPERTY LOC: REAR CROSELY TERR ALPS, INC. 49 MAPLE AVE STOCKHOLM NJ 07460 1123
NEW B:1303 L:26 1 PROPERTY LOC: ISLAND PASCACK BROOK RITZLER, ESTATE OF LEON 3 LAWRENCE ST HILLSDALE NJ 07642 2827	NEW B:1510 L:13.02 1 PROPERTY LOC: 240 KINDERKAMACK RD MARSALA, DORIS A 240 KINDERKAMACK RD 27 HILLSDALE, NJ 07642	NEW B:1902 L:10 1 PROPERTY LOC: 271 PIERMONT AVE JEFFERY, ERNEST & ARLENE 271 PIERMONT AVE HILLSDALE NJ 07642 1923
NEW B:1303 L:27 1 PROPERTY LOC: REAR STOCKTON ST RITZLER, ESTATE OF LEON 3 LAWRENCE ST HILLSDALE NJ 07642 2827	NEW B:1516 L:14 1 PROPERTY LOC: 160 EVERGREEN ST ARDEN, EDWARD (NED) & DONNA 152 EVERGREEN ST HILLSDALE, NJ 07642	NEW B:2001 L:1 1 PROPERTY LOC: REAR OF RUCKMAN ROAD EDGEWOOD COUNTRY CLUB, INC. 449 RIVERVALE RD RIVER VALE NJ 07675 6437
NEW B:1308 L:15 1 PROPERTY LOC: 333 WASHINGTON AVE KACZALA, WALTER & LILLIAN 271 BELMONT PL MAHWAH NJ 07430 3269	NEW B:1522 L:11 1 PROPERTY LOC: 276-282 BROADWAY CICCAGLIONE, TERRY M. 24 HYVUE TERR COLD SPRING NY 10516 9802	NEW B:2101 L:30 1 PROPERTY LOC: 167 RUCKMAN AVE BARBER, KENNETH M. & SHARON B. 167 RUCKMAN RD HILLSDALE NJ 07642 1717


Municipally -Owned Vacant Properties

<u>Block</u>	<u>Lot</u>	<u>Location</u>	<u>Acres</u>	<u>Owner</u>
1610	9	77 Ralph Ave	0.115	Borough of Hilsdale
101	9	46 Beverly Rd	0.214	Borough of Hilsdale
203	14.01	Sierra Court Rear	0.034	Borough of Hilsdale
207	1	Wierimus Rd	0.050	Borough of Hilsdale
503	1	Beechnut ST	0.253	Borough of Hilsdale
504	53	Rear Hilsdale Court	0.230	Borough of Hilsdale
601	25	Oak Trail Rd	0.186	Borough of Hilsdale
601	42	Upper Brook Lane	0.073	Borough of Hilsdale
702	2	583 Hilsdale Ave	0.230	Borough of Hilsdale
702	3	74 Elm St	0.115	Borough of Hilsdale
702	4	50 Elm St	0.115	Borough of Hilsdale
702	6	42 Elm St	0.115	Borough of Hilsdale
702	7	86 Maple Ave	0.230	Borough of Hilsdale
702	12	Oak St	0.057	Borough of Hilsdale
703	1	621 Hilsdale Ave	0.115	Borough of Hilsdale
703	9	43 Elm St	0.115	Borough of Hilsdale
703	10	47 Elm St	0.287	Borough of Hilsdale
717	7	2 Chestnut St	0.115	Borough of Hilsdale
719	7	Elm St & Maple Ave	0.574	Borough of Hilsdale
719	9	Elm St & Fernwood Ave	0.358	Borough of Hilsdale
802	4	Saddle Ranch Lane	0.047	Borough of Hilsdale
802	9	Saddle Ranch Lane	0.038	Borough of Hilsdale
903	17	Forest Dr	0.689	Borough of Hilsdale
906	13	Easment	0.083	Borough of Hilsdale
906	20	Saddlewood Dr	0.344	Borough of Hilsdale
908	10	102 Saddlewood Dr	0.161	Borough of Hilsdale
908	16	Rear Saddlewood Dr	2.900	Borough of Hilsdale
1111	1	49 Lafayette Ave	0.023	Borough of Hilsdale
1111	6	25 Glendale Dr	0.057	Borough of Hilsdale
1111	12	6 Center Drive	0.115	Borough of Hilsdale
1112	11	26 Hazelwood Ave	0.115	Borough of Hilsdale
1113	9	Center Drive	0.115	Borough of Hilsdale
1406	32	Large Ave	0.024	Borough of Hilsdale
1706	43	Carlyle Place	0.161	Borough of Hilsdale
1903	31	Piermont Ave	0.918	Borough of Hilsdale
2001	5	20 Piermont Ave	0.377	Borough of Hilsdale
2301	9	Kent Rd Rear	0.161	Borough of Hilsdale
2301	10	Baylor Ave	0.071	Borough of Hilsdale

Farm Land Assessed Properties

907	7	Rear Morris Drive	6.670	Volek
202	1	215 Wierimus Drive	11.577	Demarest Farms

VACANT LAND

 Unsuitable For Development

Note: All residential zones are single family

Overlay



BOROUGH OF HILLSDALE

VACANT LAND



Residential



Non-Residential



Municipal Land

ZONING MAP

R-1 - RESIDENTIAL - 22,500 SQ. FT.

R-2 - RESIDENTIAL - 15,000 SQ. FT.

R-3 - RESIDENTIAL - 10,000 SQ. FT.

R-4 - RESIDENTIAL - 7,500 SQ. FT.

C - COMMERCIAL

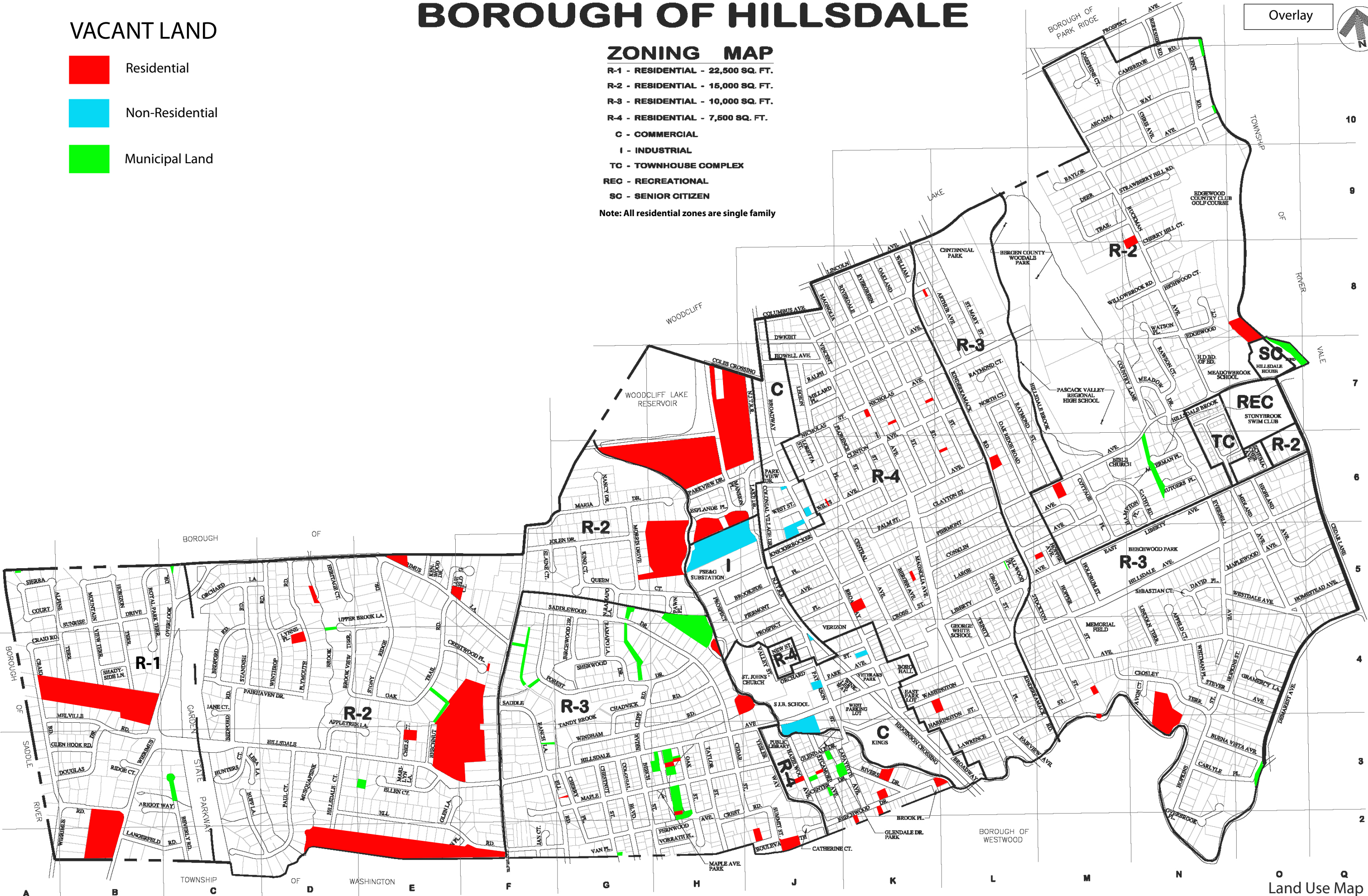
I - INDUSTRIAL

TC - TOWNHOUSE COMPLEX

REC - RECREATIONAL

SC - SENIOR CITIZEN

Note: All residential zones are single family




APPENDIX B: Analysis of COAH Vacant Land Map


COAH VACANT LAND CLASSIFICATIONS

INCORRECT: NOT VACANT LAND

 Developed - Board of Education Properties
(21.74 Acres)

 Protected Reservoir Buffers
(30.5 Acres)

 Dedicated Open Space
(4.09 Acres)

 Developed - PSE&G Properties
(0.59 Acres)

SUBTOTAL: 125 ACRES

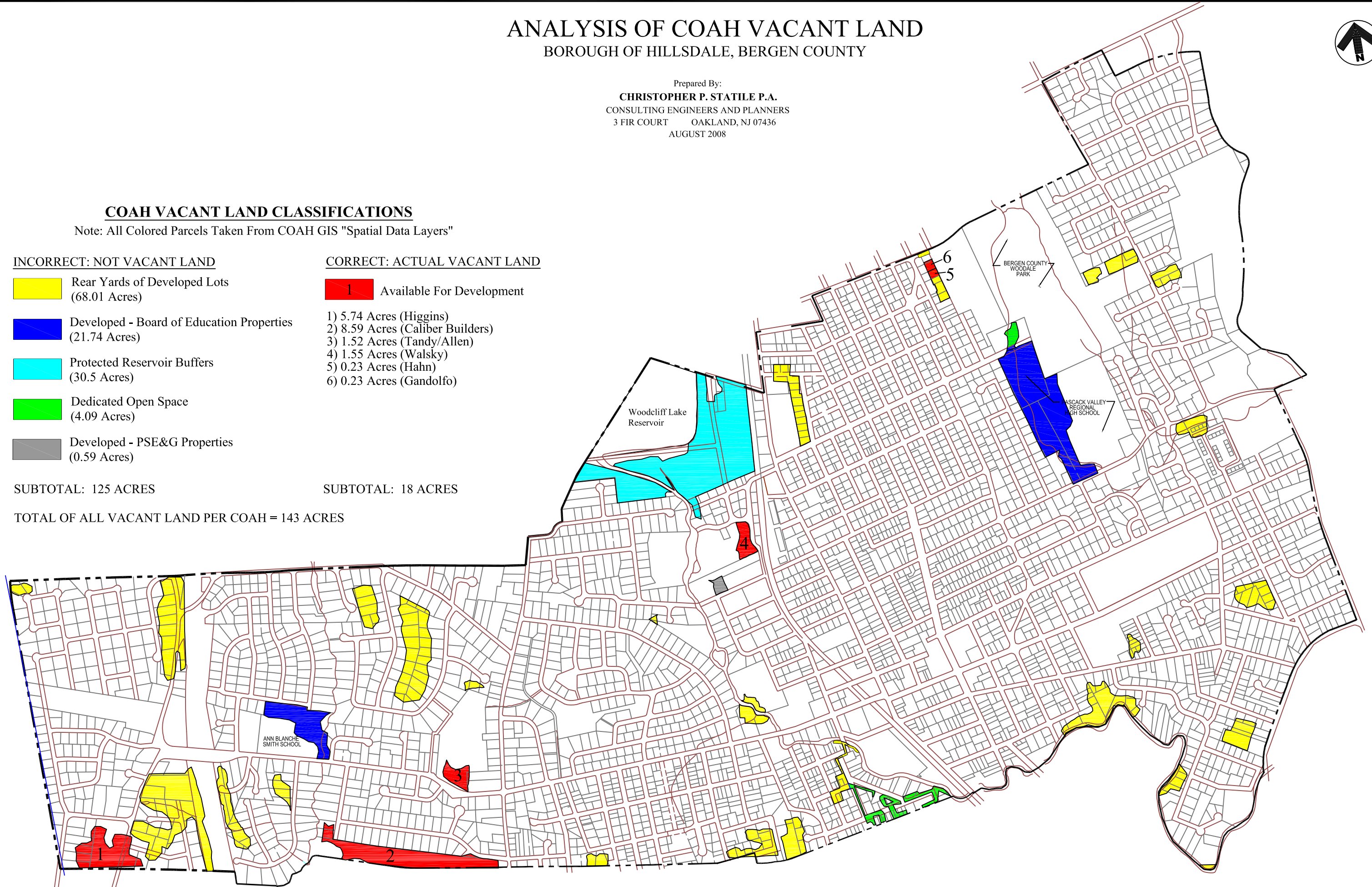
TOTAL OF ALL VACANT LAND PER COAH = 143 ACRES

CORRECT: ACTUAL VACANT LAND

1 Available For Development

- 1) 5.74 Acres (Higgins)
- 2) 8.59 Acres (Caliber Builders)
- 3) 1.52 Acres (Tandy/Allen)
- 4) 1.55 Acres (Walsky)
- 5) 0.23 Acres (Hahn)
- 6) 0.23 Acres (Gandolfo)

SUBTOTAL: 18 ACRES



BASE MAP: BOROUGH OF HILLSDALE 2003 MASTER PLAN

ANALYSIS OF COAH VACANT LAND

APPENDIX C: Draft Resolution on rehabilitation program

Governing Body Resolution of Intent to Fund or Bond in the Event of a Shortfall of Funds for the Municipal Rehabilitation Program

WHEREAS, the Borough of Hillsdale was granted substantive certification by the Council on Affordable Housing (COAH) on November 7, 2001; and

WHEREAS, the Borough of Hillsdale is petitioning for Third Round Substantive Certification from the New Jersey Council on Affordable Housing (COAH) pursuant to N.J.A.C. 5:96 and N.J.A.C. 5:97; and

WHEREAS, the COAH Third Round obligation includes a municipal rehabilitation obligation; and

WHEREAS, N.J.A.C. 5:97-6.2(b)6 requires that a municipal rehabilitation program shall provide for the rehabilitation of rental housing units that are affordable to low and moderate income households pursuant to COAH rules; and,

WHEREAS, the Borough of Hillsdale must establish a municipal rehabilitation program to address rehabilitation of rental housing units that are affordable pursuant to COAH rules; and,

WHEREAS, N.J.A.C. 5:97-6.2(b)2 requires that municipal rehabilitation investment for hard costs shall average at least \$10,000 per housing unit; and,

WHEREAS, the Borough of Hillsdale intends to fund the municipal rehabilitation program from funds collected from the municipal development fee ordinance; and,

WHEREAS, N.J.A.C. 5:97-6.2(d)3 requires a municipality to adopt a resolution either appropriating funds or showing an intent to bond in the event of a shortfall of funds.

WHEREAS, the Borough of Hillsdale is proposing a municipal rehabilitation program to provide for the rehabilitation of affordable rental housing units in its COAH Round 3 petition for Substantive Certification.

APPENDIX D:
Draft Development Fee Ordinance
Development Fee Resolution
Draft Spending Plan
Spending Plan Resolution

Borough of Hillsdale
Ordinance No.

Ordinance to Amend Chapter 310 Land Use of the Code of the Borough of Hillsdale to Establish Fees on New Construction to Provide Funds for Future Affordable Housing in Hillsdale.

Part 8: Affordable Housing

Article XXXIII: General Provisions

Section 310-137: Development Fee Ordinance

A. Purpose

- (1) In Holmdel Builder's Association V. Holmdel Township, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985 (the Act), N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the Council on Affordable Housing's (COAH's) adoption of rules.
- (2) Pursuant to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH is authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that are under the jurisdiction of the Council or court of competent jurisdiction and have a COAH-approved spending plan may retain fees collected from non-residential development.
- (3) This ordinance establishes standards for the collection, maintenance, and expenditure of development fees pursuant to COAH's regulations and in accordance P.L.2008, c.46, Sections 8 and 32-38. Fees collected pursuant to this ordinance shall be used for the sole purpose of providing low- and moderate-income housing. This ordinance shall be interpreted within the framework of COAH's rules on development fees, codified at N.J.A.C. 5:97-8.

B. Basic requirements

- (1) This ordinance shall not be effective until approved by COAH pursuant to *N.J.A.C. 5:96-5.1*.
- (2) The Borough of Hillsdale shall not spend development fees until COAH has approved a plan for spending such fees in conformance with *N.J.A.C. 5:97-8.10* and *N.J.A.C. 5:96-5.3*.

C. Definitions

(1) The following terms, as used in this ordinance, shall have the following meanings:

"Affordable housing development" means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

"COAH" or the **"Council"** means the New Jersey Council on Affordable Housing established under the Act which has primary jurisdiction for the administration of housing obligations in accordance with sound regional planning consideration in the State.

"Development fee" means money paid by a developer for the improvement of property as permitted in *N.J.A.C. 5:97-8.3*.

"Developer" means the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

"Equalized assessed value" means the assessed value of a property divided by the current average ratio of assessed to true value for the municipality in which the property is situated, as determined in accordance with sections 1, 5, and 6 of P.L.1973, c.123 (C.54:1-35a through C.54:1-35c).

"Green building strategies" means those strategies that minimize the impact of development on the environment, and enhance the health, safety and well-being of residents by producing durable, low-maintenance, resource-efficient housing while making optimum use of existing infrastructure and community services.

D. Residential Development fees

(1) Imposed fees

(a) Within the R-1, R-2, R-3, R-4 and TC district(s), residential developers, except for developers of the types of development specifically exempted below, shall pay a fee of one and a half percent of the equalized assessed value for residential development provided no increased density is permitted.

(b) When an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) has been permitted, developers may be required to pay a development fee of six percent of the equalized assessed value for each additional unit that may be realized. However, if the zoning on a site has changed during the two-year period preceding the filing of such a variance application, the base density for the purposes of calculating the bonus development fee shall be the highest density permitted by right during the two-year period preceding the filing of the variance application.

Example: If an approval allows four units to be constructed on a site that was zoned for two units, the fees could equal one percent of the equalized assessed value on the first two units; and the specified higher percentage up to six percent of the equalized assessed value for the two additional units, provided zoning on the site has not changed during the two-year period preceding the filing of such a variance application.

(2) Eligible exactions, ineligible exactions and exemptions for residential development

- (a) Affordable housing developments and developments where the developer has made a payment in lieu of on-site construction of affordable units shall be exempt from development fees.
- (b) Developments that have received preliminary or final site plan approval prior to the adoption of a municipal development fee ordinance shall be exempt from development fees, unless the developer seeks a substantial change in the approval. Where a site plan approval does not apply, a zoning and/or building permit shall be synonymous with preliminary or final site plan approval for this purpose. The fee percentage shall be vested on the date that the building permit is issued.
- (c) Residential development fees shall not be imposed and collected when an existing structure is expanded or undergoes a change, except for the following: when there is the removal and replacement of 50% or more of the sum of the area of all floors of the existing building, excluding a basement or cellar area. The development fee shall be calculated on the increase in the equalized assessed value of the improved structure.

E. Non-residential Development fees

(1) Imposed fees

- (a) Within all zoning districts, non-residential developers, except for developers of the types of development specifically exempted, shall pay a fee equal to two and one-half (2.5) percent of the equalized assessed value of the land and improvements, for all new non-residential construction on an unimproved lot or lots.
- (b) Non-residential developers, except for developers of the types of development specifically exempted, shall also pay a fee equal to two and one-half (2.5) percent of the increase in equalized assessed value resulting from any additions to existing structures to be used for non-residential purposes.
- (c) Development fees shall be imposed and collected when an existing structure is demolished and replaced. The development fee of two and a half percent (2.5%) shall be calculated on the difference between the equalized assessed value of the pre-existing land and improvement and the equalized assessed value of the newly improved structure, i.e. land and improvement, at the time final certificate of occupancy is issued. If the calculation required under this section results in a negative number, the non-residential development fee shall be zero.

- (2) Eligible exactions, ineligible exactions and exemptions for non-residential development
- (a) The non-residential portion of a mixed-use inclusionary or market rate development shall be subject to the two and a half (2.5) percent development fee, unless otherwise exempted below.
 - (b) The 2.5 percent fee shall not apply to an increase in equalized assessed value resulting from alterations, change in use within existing footprint, reconstruction, renovations and repairs.
 - (c) Non-residential developments shall be exempt from the payment of non-residential development fees in accordance with the exemptions required pursuant to P.L.2008, c.46, as specified in the Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" Form. Any exemption claimed by a developer shall be substantiated by that developer.
 - (d) A developer of a non-residential development exempted from the non-residential development fee pursuant to P.L.2008, c.46 shall be subject to it at such time the basis for the exemption no longer applies, and shall make the payment of the non-residential development fee, in that event, within three years after that event or after the issuance of the final certificate of occupancy of the non-residential development, whichever is later.
 - (e) If a property which was exempted from the collection of a non-residential development fee thereafter ceases to be exempt from property taxation, the owner of the property shall remit the fees required pursuant to this section within 45 days of the termination of the property tax exemption. Unpaid non-residential development fees under these circumstances may be enforceable by the Borough of Hillsdale as a lien against the real property of the owner.

F. Collection procedures

- (1) Upon the granting of a preliminary, final or other applicable approval, for a development, the applicable approving authority shall direct its staff to notify the construction official responsible for the issuance of a building permit.
- (2) For non-residential developments only, the developer shall also be provided with a copy of Form N-RDF "State of New Jersey Non-Residential Development Certification/Exemption" to be completed as per the instructions provided. The Developer of a non-residential development shall complete Form N-RDF as per the instructions provided. The construction official shall verify the information submitted by the non-residential developer as per the instructions provided in the Form N-RDF. The Tax assessor shall verify exemptions and prepare estimated and final assessments as per the instructions provided in Form N-RDF.

- (3) The construction official responsible for the issuance of a building permit shall notify the local tax assessor of the issuance of the first building permit for a development which is subject to a development fee.
- (4) Within 90 days of receipt of that notice, the municipal tax assessor, based on the plans filed, shall provide an estimate of the equalized assessed value of the development.
- (5) The construction official responsible for the issuance of a final certificate of occupancy notifies the local assessor of any and all requests for the scheduling of a final inspection on property which is subject to a development fee.
- (6) Within 10 business days of a request for the scheduling of a final inspection, the municipal assessor shall confirm or modify the previously estimated equalized assessed value of the improvements of the development; calculate the development fee; and thereafter notify the developer of the amount of the fee.
- (7) Should the Borough of Hillsdale fail to determine or notify the developer of the amount of the development fee within 10 business days of the request for final inspection, the developer may estimate the amount due and pay that estimated amount consistent with the dispute process set forth in subsection b. of section 37 of P.L.2008, c.46 (C.40:55D-8.6).
- (8) Fifty percent of the development fee shall be collected at the time of issuance of the building permit. The remaining portion shall be collected at the issuance of the certificate of occupancy. The developer shall be responsible for paying the difference between the fee calculated at building permit and that determined at issuance of certificate of occupancy.

(a) Appeal of development fees

- i. A developer may challenge residential development fees imposed by filing a challenge with the County Board of Taxation. Pending a review and determination by the Board, collected fees shall be placed in an interest bearing escrow account by the Borough of Hillsdale. Appeals from a determination of the Board may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.
- ii. A developer may challenge non-residential development fees imposed by filing a challenge with the Director of the Division of Taxation. Pending a review and determination by the Director, which shall be made within 45 days of receipt of the challenge, collected fees shall be placed in an interest bearing escrow account by the Borough of Hillsdale. Appeals from a determination of the Director may be made to the tax court in accordance with the provisions of the State Tax Uniform Procedure Law, R.S.54:48-1 et seq., within 90 days after the date of such determination. Interest earned on amounts escrowed shall be credited to the prevailing party.

G. Affordable Housing trust fund

- (1) There is hereby created a separate, interest-bearing housing trust fund to be maintained by the chief financial officer for the purpose of depositing development fees collected from residential and non-residential developers and proceeds from the sale of units with extinguished controls.
- (2) The following additional funds shall be deposited in the Affordable Housing Trust Fund and shall at all times be identifiable by source and amount:
 1. payments in lieu of on-site construction of affordable units;
 2. developer contributed funds to make ten percent (10%) of the adaptable entrances in a townhouse or other multistory attached development accessible;
 3. rental income from municipally operated units;
 4. repayments from affordable housing program loans;
 5. recapture funds;
 6. proceeds from the sale of affordable units; and
 7. any other funds collected in connection with the Borough of Hillsdale's affordable housing program.
- (3) Within seven days from the opening of the trust fund account, the Borough of Hillsdale shall provide COAH with written authorization, in the form of a three-party escrow agreement between the municipality, the bank, and COAH to permit COAH to direct the disbursement of the funds as provided for in N.J.A.C. 5:97-8.13(b).
- (4) All interest accrued in the housing trust fund shall only be used on eligible affordable housing activities approved by COAH.

H. Use of funds

- (1) The expenditure of all funds shall conform to a spending plan approved by COAH. Funds deposited in the housing trust fund may be used for any activity approved by COAH to address the Borough of Hillsdale's fair share obligation and may be set up as a grant or revolving loan program. Such activities include, but are not limited to: preservation or purchase of housing for the purpose of maintaining or implementing affordability controls, rehabilitation, new construction of affordable housing units and related costs, accessory apartment, market to affordable, or regional housing partnership programs, conversion of existing non-residential buildings to create new affordable units, green building strategies designed to be cost saving and in accordance with accepted national or state standards, purchase of land for affordable housing, improvement of land to be used for affordable housing, extensions or improvements of roads and infrastructure to affordable housing sites, financial assistance designed to increase affordability, administration necessary for implementation of the Housing Element and Fair Share Plan, or any other activity as permitted pursuant to N.J.A.C. 5:97-8.7 through 8.9 and specified in the approved spending plan.
- (2) Funds shall not be expended to reimburse the Borough of Hillsdale for past housing activities.

- (3) At least 30 percent of all development fees collected and interest earned shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in the municipal Fair Share Plan. One-third of the affordability assistance portion of development fees collected shall be used to provide affordability assistance to those households earning 30 percent or less of median income by region.
 - (a) Affordability assistance programs may include down payment assistance, security deposit assistance, low interest loans, rental assistance, assistance with homeowners association or condominium fees and special assessments, and assistance with emergency repairs.
 - (b) Affordability assistance to households earning 30 percent or less of median income may include buying down the cost of low or moderate income units in the municipal Fair Share Plan to make them affordable to households earning 30 percent or less of median income. The use of development fees in this manner shall entitle the Borough of Hillsdale to bonus credits pursuant to N.J.A.C. 5:97-3.7.
 - (c) Payments in lieu of constructing affordable units on site and funds from the sale of units with extinguished controls shall be exempt from the affordability assistance requirement.
- (4) The Borough of Hillsdale may contract with a private or public entity to administer any part of its Housing Element and Fair Share Plan, including the requirement for affordability assistance, in accordance with N.J.A.C. 5:96-18.
- (5) No more than 20 percent of all revenues collected from development fees, may be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to develop or implement a new construction program, a Housing Element and Fair Share Plan, and/or an affirmative marketing program. In the case of a rehabilitation program, no more than 20 percent of the revenues collected from development fees shall be expended for such administrative expenses. Administrative funds may be used for income qualification of households, monitoring the turnover of sale and rental units, and compliance with COAH's monitoring requirements. Legal or other fees related to litigation opposing affordable housing sites or objecting to the Council's regulations and/or action are not eligible uses of the affordable housing trust fund.

I. Monitoring

- (1) The Borough of Hillsdale shall complete and return to COAH all monitoring forms included in monitoring requirements related to the collection of development fees from residential and non-residential developers, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, barrier free escrow funds, rental income, repayments from affordable housing program loans, and any other funds collected in connection with the Borough of Hillsdale's housing program, as well as to the expenditure of revenues and implementation of the plan certified by COAH. All monitoring reports shall be completed on forms designed by COAH.

J. Ongoing collection of fees

- (1) The ability for the Borough of Hillsdale to impose, collect and expend development fees shall expire with its substantive certification unless the Borough of Hillsdale has filed an adopted Housing Element and Fair Share Plan with COAH, has petitioned for substantive certification, and has received COAH's approval of its development fee ordinance. If the Borough of Hillsdale fails to renew its ability to impose and collect development fees prior to the expiration of substantive certification, it may be subject to forfeiture of any or all funds remaining within its municipal trust fund. Any funds so forfeited shall be deposited into the "New Jersey Affordable Housing Trust Fund" established pursuant to section 20 of P.L.1985, c.222 (C.52:27D-320). The Borough of Hillsdale shall not impose a residential development fee on a development that receives preliminary or final site plan approval after the expiration of its substantive certification or judgment of compliance, nor shall the Borough of Hillsdale retroactively impose a development fee on such a development. The Borough of Hillsdale shall not expend development fees after the expiration of its substantive certification or judgment of compliance.

Governing Body Resolution Requesting Review and Approval of Development Fee Ordinance

WHEREAS, the Borough of Hillsdale was granted substantive certification by the Council on Affordable Housing (COAH) on November 7, 2001; and

WHEREAS, P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), permits municipalities that are under the jurisdiction of COAH or of a court of competent jurisdiction and that have a COAH-approved spending plan to impose and retain fees on residential and non-residential development; and

WHEREAS, subject to P.L.2008, c.46 section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), N.J.A.C. 5:97-8.3 permits a municipality to prepare and submit a development fee ordinance for review and approval by the Council on Affordable Housing (COAH) that is accompanied by and includes the following:

1. A description of the types of developments that will be subject to fees per N.J.A.C. 5:97-8.3(c) and (d) ;
2. A description of the types of developments that are exempted per N.J.A.C. 5:97-8.3(e);
3. A description of the amount and nature of the fees imposed per N.J.A.C. 5:97-8.3(c) and (d) ;
4. A description of collection procedures per N.J.A.C. 5:97-8.3(f);
5. A description of development fee appeals per N.J.A.C. 5:97-8.3(g); and
6. A provision authorizing COAH to direct trust funds in case of non-compliance per N.J.A.C. 5:97-8.3(h).

WHEREAS, the Borough of Hillsdale has prepared a draft development fee ordinance that establishes standards for the collection, maintenance, and expenditure of development fees consistent with COAH's regulations at N.J.A.C. 5:97-8 and in accordance with P.L.2008, c.46, Sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Hillsdale, Bergen County requests that COAH review and approve the Borough of Hillsdale's development fee ordinance.

Council Member	Motion	Second	Yes	No	Absent	Abstain
Schiavone, Donna						
Arnowitz, Max						
DeJoseph, Jonathan						
Giancarlo, Michael						
Hanlon, Marie						
Weinstein, Andrew						

Adopted:

Attest:

Robert Sandt, R.M.C.
Municipal Clerk

John Sapanara, Mayor

Affordable Housing Trust Fund Spending Plan

OVERVIEW

[This model Spending Plan reflects the latest amendments to COAH's rules. In addition to demonstrating how municipal affordable housing trust funds will be expended, the spending plan should be prepared together with the implementation schedule of the fair share plan. The spending plan will serve as the basis for demonstrating realistic opportunity of each proposed affordable housing option that relies on affordable housing trust funds as well as a basis for any affordable housing delivery mechanisms that are the subject of an implementation schedule. Another key provision in this update is the requirement to spend existing balances as of July 17, 2008 within four years of the date the municipality's spending plan is approved by COAH. To ensure timeliness of fund expenditures, there is a requirement to spend or contractually commit newly collected funds within three years from the calendar year in which those funds were collected. Proposed spending may be through a revolving loan, no-interest loans, forgivable loans, below-market loans, bridge loans, a hybrid loan and grant program, etc.]

This document is organized into five sections that address the standard information required by N.J.A.C. 5:97-8.10. A process describing the collection and distribution procedures for barrier free escrow funds pursuant to N.J.A.C. 5:97-8.5 should be detailed separately within the municipality's Affordable Housing Ordinance. Please tailor this form to the individual municipality's circumstance(s) and provide or insert information where text is italicized and in brackets [thus]. Depending on when this spending plan is completed, the actual versus projected years will vary and should be adjusted accordingly. Instructions for completing this model document are bolded, italicized and in brackets [thus] and should be deleted from the final document submitted to COAH for approval.

Please be aware that COAH staff will be utilizing the actual collections, expenditure and balances reported in the municipal affordable housing trust fund monitoring submitted to COAH via the Computer Tracking and Monitoring (CTM) system. The preparer is encouraged to collaborate with the municipal affordable housing trust fund report preparer to ensure consistency. Information about viewing municipal data in the CTM system is available on COAH's website at www.nj.gov/dca/coah/training.shtml.]

INTRODUCTION

The Borough of Hillsdale, Bergen County has prepared a Housing Element and Fair Share plan that addresses its regional fair share of the affordable housing need in accordance with the Municipal Land Use Law (N.J.S.A. 40:55D-1 et seq.), the Fair Housing Act (N.J.S.A. 52:27D-301) and the regulations of the Council on Affordable Housing (COAH) (N.J.A.C. 5:97-1 et seq. and N.J.A.C. 5:96-1 et seq.). A development fee ordinance creating a dedicated revenue source for affordable housing was approved by COAH on December 10, 2007 and adopted by the municipality on March 4, 2008. The ordinance establishes *the Borough of Hillsdale* affordable housing trust fund for which this spending plan is prepared.

As of July 17, 2008, *the Borough of Hillsdale* has collected \$0, expended \$ 0, resulting in a balance of \$0. All development fees, payments in lieu of constructing affordable units on site, funds from the sale of units with extinguished controls, and interest generated by the fees are deposited in a separate interest-bearing affordable housing trust fund in TD Bank for the purposes of affordable housing. These funds shall be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

[If your municipality maintained an affordable housing trust fund as part of a previous third round petition under N.J.A.C. 5:94 or second round substantive certification, please complete the following section.]

The Borough of Hillsdale first petitioned COAH for substantive certification on October 13, 1999 and received prior approval to maintain an affordable housing trust fund on December 10, 2007. As of December 31, 2004, the prior round balance remaining in the affordable housing trust fund was N/A. From January 1, 2005 through July 17, 2008, *the Borough of Hillsdale* collected an additional N/A in development fees, payments in lieu of construction, other funds, and/or interest. From January 1, 2005 through July 17, 2008, *the Borough of Hillsdale* expended no funds as none were collected.

1. REVENUES FOR CERTIFICATION PERIOD

To calculate a projection of revenue anticipated during the period of third round substantive certification, *the Borough of Hillsdale* considered the following:

(a) Development fees:

1. Residential and nonresidential projects which have had development fees imposed upon them at the time of preliminary or final development approvals;
2. All projects currently before the planning and zoning boards for development approvals that may apply for building permits and certificates of occupancy; and
3. Future development that is likely to occur based on historical rates of development.

(b) Payment in lieu (PIL):

Actual and committed payments in lieu (PIL) of construction from developers as follows:

[List affordable housing sites from inclusionary zone(s) where the developer(s) has made or committed to make a PIL along with the associated PIL amount(s). If payments in lieu have not been collected or assessed, so indicate. Please note that while all other fund sources include projected revenues, PIL funds are based only on actual revenues]

(c) Other funding sources:

Funds from other sources, including, but not limited to, the sale of units with extinguished controls, repayment of affordable housing program loans, rental income, proceeds from the sale of affordable units and no other funds.

(d) Projected interest:

Interest on the projected revenue in the municipal affordable housing trust fund at the current average interest rate.

[Provide a breakdown by year for all sources of funds collected and/or anticipated during the substantive certification period. COAH will substitute actual revenue for the period between the preparation of this spending plan and COAH's approval, as entered by the municipality in the CTM system. Use and submit additional spreadsheet(s) as necessary. A sample spreadsheet format is provided below.]

SOURCE OF FUNDS	PROJECTED REVENUES-HOUSING TRUST FUND - 2008 THROUGH 2018											
	7/18/08 Through 12/31/08	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Development fees:	To be determine d											
1. Approved Development												
2. Development Pending Approval												
3. Projected Development												
(b) Payments in Lieu of Construction	TBD											
(c) Other Funds (Specify source(s))	N/A											
(d) Interest												
Total												

The Borough of Hillsdale projects a total of {to be determined} in revenue to be collected between July 18, 2008 and December 31, 2018. All interest earned on the account shall accrue to the account to be used only for the purposes of affordable housing.

2. ADMINISTRATIVE MECHANISM TO COLLECT AND DISTRIBUTE FUNDS

The following procedural sequence for the collection and distribution of development fee revenues shall be followed by *the Borough of Hillsdale*:

(a) Collection of development fee revenues:

Collection of development fee revenues shall be consistent with the Borough of Hillsdale's [*insert municipality*]'s development fee ordinance for both residential and non-residential developments in accordance with COAH's rules and P.L.2008, c.46, sections 8 (C. 52:27D-329.2) and 32-38 (C. 40:55D-8.1 through 8.7).

(b) Distribution of development fee revenues:

Proposed to be used for Rehabilitation Program

3. DESCRIPTION OF ANTICIPATED USE OF AFFORDABLE HOUSING FUNDS

(a) **Rehabilitation and new construction programs and projects (N.J.A.C. 5:97-8.7)**

The Borough of Hillsdale will dedicate {to be determined} to rehabilitation or new construction programs (see detailed descriptions in Fair Share Plan) as follows:

Rehabilitation program: {to be determined}

New construction project(s): {to be determined}

(b) **Affordability Assistance (N.J.A.C. 5:97-8.8)**

/

Projected minimum affordability assistance requirement:

To be determined

Actual development fees through 7/17/2008		\$
Actual interest earned through 7/17/2008	+	\$
Development fees projected* 2008-2018	+	\$
Interest projected* 2008-2018	+	\$
Less housing activity expenditures through 6/2/2008	-	\$
Total	=	
30 percent requirement	$\times 0.30 =$	\$
Less Affordability assistance expenditures through 12/31/2004	-	\$
PROJECTED MINIMUM Affordability Assistance Requirement 1/1/2005 through 12/31/2018	=	\$
PROJECTED MINIMUM Very Low-Income Affordability Assistance Requirement 1/1/2005 through 12/31/2018	$\div 3 =$	\$

* Note: The 2008 portion of this projection reflects 2008 subsequent to July 17 as the remainder of 2008 is included in the actual figure reported above.

The Borough of Hillsdale will dedicate {to be determined} from the affordable housing trust fund to render units more affordable, including {to be determined} to render units more affordable to households earning 30 percent or less of median income by region, as follows:

[List affordability assistance programs such as down-payment assistance, rental assistance, converting low-income units to very-low-income units, etc.]

(c) Administrative Expenses (N.J.A.C. 5:97-8.9)

The Borough of Hillsdale projects that {to be determined} will be available from the affordable housing trust fund to be used for administrative purposes. Projected administrative expenditures, subject to the 20 percent cap, are as follows:

4. EXPENDITURE SCHEDULE

5. EXCESS OR SHORTFALL OF FUNDS

Pursuant to the Housing Element and Fair Share Plan, the governing body of *the Borough of Hillsdale* has adopted a resolution agreeing to fund any shortfall of funds required for implementing rehabilitation programs. In the event that a shortfall of anticipated revenues occurs, *the Borough of Hillsdale* will provide the shortfall of funds. A copy of the adopted resolution is attached.

In the event of excess funds, any remaining funds above the amount necessary to satisfy the municipal affordable housing obligation will be used to provide affordable housing.

6. BARRIER FREE ESCROW

Collection and distribution of barrier free funds shall be consistent with the Borough of Hillsdale's Affordable Housing Ordinance in accordance with N.J.A.C. 5:97-8.5.

SUMMARY

The Borough of Hillsdale intends to spend affordable housing trust fund revenues pursuant to N.J.A.C. 5:97-8.7 through 8.9 and consistent with the housing programs outlined in the housing element and fair share plan dated November 2008.

The Borough of Hillsdale has a balance of \$0 as of July 17, 2008 and anticipates an additional {to be determined} in revenues before the expiration of substantive certification for a total of {to be determined}. The municipality will dedicate {to be determined} towards rehabilitation program and other affordable housing programs, {to be determined} to render units more affordable, and {to be determined} to administrative costs. Any shortfall of funds will be offset by municipal funds. The municipality will dedicate any excess funds toward additional affordable housing programs.

SPENDING PLAN SUMMARY	
Balance as of July 17, 2008	\$0
PROJECTED REVENUE July 18, 2008-2018	To be determined
Development fees	+ \$
Payments in lieu of construction	+ \$
Other funds	+ \$
Interest	+ \$
TOTAL REVENUE	= \$
EXPENDITURES	Rehabilitation and other programs
Funds used for Rehabilitation	- \$
Funds used for New Construction	
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
4.	- \$
5.	- \$
6.	- \$
7.	- \$
8.	- \$
9.	- \$
10.	- \$
Affordability Assistance	- \$
Administration	- \$
Excess Funds for Additional Housing Activity	= \$
1. <i>[list individual projects/programs]</i>	- \$
2.	- \$
3.	- \$
TOTAL PROJECTED EXPENDITURES	= \$to be determined
REMAINING BALANCE	= \$0.00

Governing Body Resolution Requesting Review and Approval of a Municipal Affordable Housing Trust Fund Spending Plan

WHEREAS, the Borough of Hillsdale was granted substantive certification by the Council on Affordable Housing (COAH) on November 7, 2001; and

WHEREAS, the Borough of Hillsdale received approval from COAH on December 10, 2007 of its development fee ordinance; and

WHEREAS, the development fee ordinance establishes an affordable housing trust fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments from affordable housing program loans, recapture funds, proceeds from the sale of affordable units.

WHEREAS, N.J.A.C. 5:97-8.1(d) requires a municipality with an affordable housing trust fund to receive approval of a spending plan from COAH prior to spending any of the funds in its housing trust fund; and

WHEREAS, N.J.A.C. 5:97-8.10 requires a spending plan to include the following:

1. A projection of revenues anticipated from imposing fees on development, based on pending, approved and anticipated developments and historic development activity;
2. A projection of revenues anticipated from other sources, including payments in lieu of constructing affordable units on sites zoned for affordable housing, funds from the sale of units with extinguished controls, proceeds from the sale of affordable units, rental income, repayments from affordable housing program loans, and interest earned;
3. A description of the administrative mechanism that the municipality will use to collect and distribute revenues;
4. A description of the anticipated use of all affordable housing trust funds pursuant to N.J.A.C. 5:97-8.7, 8.8, and 8.9;
5. A schedule for the expenditure of all affordable housing trust funds;
6. If applicable, a schedule for the creation or rehabilitation of housing units;
7. A pro-forma statement of the anticipated costs and revenues associated with the development if the municipality envisions supporting or sponsoring public sector or non-profit construction of housing; and

8. A plan to spend the trust fund balance as of July 17, 2008 within four years of the Council's approval of the spending plan, or in accordance with an implementation schedule approved by the Council;
9. A plan to spend and/or contractually commit all development fees and any payments in lieu of construction within three years of the end of the calendar year in which funds are collected, but no later than the end of third round substantive certification period;
10. The manner through which the municipality will address any expected or unexpected shortfall if the anticipated revenues from development fees are not sufficient to implement the plan; and
11. A description of the anticipated use of excess affordable housing trust funds, in the event more funds than anticipated are collected, or projected funds exceed the amount necessary for satisfying the municipal affordable housing obligation.

WHEREAS, the Borough of Hillsdale has prepared a spending plan consistent with N.J.A.C. 5:97-8.10 and P.L. 2008, c.46.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Hillsdale, Bergen County requests that COAH review and approve the Borough of Hillsdale's spending plan.

Council Member	Motion	Second	Yes	No	Absent	Abstain
Schiavone, Donna						
Arnowitz, Max						
DeJoseph, Jonathan						
Giancarlo, Michael						
Hanlon, Marie						
Weinstein, Andrew						

Adopted:

Attest:

Robert Sandt, R.M.C.
Municipal Clerk

John Sapanara, Mayor

Council on Affordable Housing

Sample Affordable Housing Ordinance

AN ORDINANCE OF the Borough of Hillsdale TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Hillsdale Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Hillsdale shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Borough of Hillsdale shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Hillsdale Municipal Building, Municipal Clerk's Office, 380 Hillsdale Ave., Hillsdale, NJ 07642, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one

applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 3. Affordable Housing

The Borough of Hillsdale has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

(a) A Rehabilitation program.

1. Hillsdale’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. The Borough participates in the Bergen County Home Improvement Rehabilitation Program for owner occupied and renter occupied units. The Borough will establish an alternative municipal rehabilitation program for renter occupied units.
3. For the alternative municipal rehabilitation program, all rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. For the alternative municipal rehabilitation program, the Borough of Hillsdale shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through the program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Borough of Hillsdale shall adopt a resolution committing to fund any shortfall in the alternative municipal rehabilitation program.
6. The Borough of Hillsdale shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. Inclusionary Zoning

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows [*Include only those Planning Areas applicable to the municipality*]:

1. For Sale Developments
 - i. Inclusionary zoning in Planning Area 1 permits residential development at a

presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the AH-1 zone provides for a gross density of eight units per acre and an affordable housing set-aside of 25% of the total number of units in the development.

2. Rental Developments

- i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

The zoning of the AH-1 & AH-2 zones provides for a 20% percent set-aside for restricted units and a density of 12 units per acre.

3. Where an executed development agreement exists for affordable housing on a specific site or sites, list the sites below and identify the density and set-aside for each.

[List each affordable housing development and its density and set-aside.]

4. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

- In the AH-1 Zone, the developer may choose a 100% residential development or a mixed use development containing both a residential component (including affordable units) and a nonresidential component.
- Both the AH-1 and AH-2 zones utilize the existing Commercial zone bulk regulations.

- (b) **Phasing.** In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

- (c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) **Payments-in-lieu and off-site construction.** Not permitted.
- (e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;

- v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Hillsdale has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Borough of Hillsdale's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Borough of Hillsdale for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Hillsdale.
 - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Hillsdale's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income,

and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

**NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and

- iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 9. Affirmative Marketing Requirements

- (a) The Borough of Hillsdale shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative

marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.

- (c) The Administrative Agent designated by the Borough of Hillsdale shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Hillsdale.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Hillsdale elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also

determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Hillsdale elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 17. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 3. The household is currently in substandard or overcrowded living conditions;
 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Borough of Hillsdale is established by this ordinance. The Hillsdale Mayor & Council shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Borough of Hillsdale.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.

**NOTE: if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Township Clerk, that position can be named in this ordinance.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Hillsdale, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Borough of Hillsdale's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Borough of Hillsdale shall designate by resolution of the governing body, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

**NOTE: If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this ordinance.

- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than *[insert amount]* or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Hillsdale Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

Council on Affordable Housing

Sample Affordable Housing Ordinance

AN ORDINANCE OF the Borough of Hillsdale TO ADDRESS THE REQUIREMENTS OF THE COUNCIL ON AFFORDABLE HOUSING (COAH) REGARDING COMPLIANCE WITH THE MUNICIPALITY'S PRIOR ROUND AND THIRD ROUND AFFORDABLE HOUSING OBLIGATIONS

Section 1. Affordable Housing Obligation

- (a) This Ordinance is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This Ordinance shall apply except where inconsistent with applicable law.
- (b) The Borough of Hillsdale Planning Board has adopted a Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1, et seq. The Fair Share Plan has been endorsed by the governing body. The Fair Share Plan describes the ways Hillsdale shall address its fair share for low- and moderate-income housing as determined by the Council on Affordable Housing (COAH) and documented in the Housing Element.
- (c) This Ordinance implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented.
- (d) The Borough of Hillsdale shall file monitoring reports with COAH in accordance with N.J.A.C. 5:96, tracking the status of the implementation of the Housing Element and Fair Share Plan. Any plan evaluation report of the Housing Element and Fair Share Plan and monitoring prepared by COAH in accordance with N.J.A.C. 5:96 shall be available to the public at the Borough of Hillsdale Municipal Building, Municipal Clerk's Office, 380 Hillsdale Ave., Hillsdale, NJ 07642, or from COAH at 101 South Broad Street, Trenton, New Jersey and on COAH's website, www.nj.gov/dca/affiliates/coah.

Section 2. Definitions

The following terms when used in this Ordinance shall have the meanings given in this Section:

"Accessory apartment" means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance, which is created within an existing home, or through the conversion of an existing accessory structure on the same site, or by an addition to an existing home or accessory building, or by the construction of a new accessory structure on the same site.

"Act" means the Fair Housing Act of 1985, P.L. 1985, c. 222 (N.J.S.A. 52:27D-301 et seq.)

“Adaptable” means constructed in compliance with the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7.

“Administrative agent” means the entity responsible for the administration of affordable units in accordance with this ordinance, N.J.A.C. 5:96, N.J.A.C. 5:97 and N.J.A.C. 5:80-26.1 et seq.

“Affirmative marketing” means a regional marketing strategy designed to attract buyers and/or renters of affordable units pursuant to N.J.A.C. 5:80-26.15.

“Affordability average” means the average percentage of median income at which restricted units in an affordable housing development are affordable to low- and moderate-income households.

“Affordable” means, a sales price or rent within the means of a low- or moderate-income household as defined in N.J.A.C. 5:97-9; in the case of an ownership unit, that the sales price for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.6, as may be amended and supplemented, and, in the case of a rental unit, that the rent for the unit conforms to the standards set forth in N.J.A.C. 5:80-26.12, as may be amended and supplemented.

“Affordable development” means a housing development all or a portion of which consists of restricted units.

“Affordable housing development” means a development included in the Housing Element and Fair Share Plan, and includes, but is not limited to, an inclusionary development, a municipal construction project or a 100 percent affordable development.

“Affordable housing program(s)” means any mechanism in a municipal Fair Share Plan prepared or implemented to address a municipality’s fair share obligation.

“Affordable unit” means a housing unit proposed or created pursuant to the Act, credited pursuant to N.J.A.C. 5:97-4, and/or funded through an affordable housing trust fund.

“Agency” means the New Jersey Housing and Mortgage Finance Agency established by P.L. 1983, c. 530 (N.J.S.A. 55:14K-1, et seq.).

“Age-restricted unit” means a housing unit designed to meet the needs of, and exclusively for, the residents of an age-restricted segment of the population such that: 1) all the residents of the development where the unit is situated are 62 years or older; or 2) at least 80 percent of the units are occupied by one person that is 55 years or older; or 3) the development has been designated by the Secretary of the U.S. Department of Housing and Urban Development as “housing for older persons” as defined in Section 807(b)(2) of the Fair Housing Act, 42 U.S.C. § 3607.

“Assisted living residence” means a facility licensed by the New Jersey Department of Health and Senior Services to provide apartment-style housing and congregate dining and to assure that assisted living services are available when needed for four or more adult persons unrelated to the proprietor and that offers units containing, at a minimum, one unfurnished room, a private bathroom, a kitchenette and a lockable door on the unit entrance.

“Certified household” means a household that has been certified by an Administrative Agent as a low-income household or moderate-income household.

“COAH” means the Council on Affordable Housing, which is in, but not of, the Department of Community Affairs of the State of New Jersey, that was established under the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.).

“DCA” means the State of New Jersey Department of Community Affairs.

“Deficient housing unit” means a housing unit with health and safety code violations that require the repair or replacement of a major system. A major system includes weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement and/or load bearing structural systems.

“Developer” means any person, partnership, association, company or corporation that is the legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option to contract or purchase, or other person having an enforceable proprietary interest in such land.

“Development” means the division of a parcel of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any use or change in the use of any building or other structure, or of any mining, excavation or landfill, and any use or change in the use of any building or other structure, or land or extension of use of land, for which permission may be required pursuant to N.J.S.A. 40:55D-1 et seq.

“Inclusionary development” means a development containing both affordable units and market rate units. This term includes, but is not necessarily limited to: new construction, the conversion of a non-residential structure to residential and the creation of new affordable units through the reconstruction of a vacant residential structure.

“Low-income household” means a household with a total gross annual household income equal to 50 percent or less of the median household income.

“Low-income unit” means a restricted unit that is affordable to a low-income household.

“Major system” means the primary structural, mechanical, plumbing, electrical, fire protection, or occupant service components of a building which include but are not limited to, weatherization, roofing, plumbing (including wells), heating, electricity, sanitary plumbing (including septic systems), lead paint abatement or load bearing structural systems.

“Market-rate units” means housing not restricted to low- and moderate-income households that may sell or rent at any price.

“Median income” means the median income by household size for the applicable county, as adopted annually by COAH.

“Moderate-income household” means a household with a total gross annual household income in excess of 50 percent but less than 80 percent of the median household income.

“Moderate-income unit” means a restricted unit that is affordable to a moderate-income household.

“Non-exempt sale” means any sale or transfer of ownership other than the transfer of ownership between husband and wife; the transfer of ownership between former spouses ordered as a result of a judicial decree of divorce or judicial separation, but not including sales to third parties; the transfer of ownership between family members as a result of inheritance; the transfer of ownership through an executor’s deed to a class A beneficiary and the transfer of ownership by court order.

“Random selection process” means a process by which currently income-eligible households are selected for placement in affordable housing units such that no preference is given to one

applicant over another except for purposes of matching household income and size with an appropriately priced and sized affordable unit (e.g., by lottery).

“Regional asset limit” means the maximum housing value in each housing region affordable to a four-person household with an income at 80 percent of the regional median as defined by COAH’s adopted Regional Income Limits published annually by COAH.

“Rehabilitation” means the repair, renovation, alteration or reconstruction of any building or structure, pursuant to the Rehabilitation Subcode, N.J.A.C. 5:23-6.

“Rent” means the gross monthly cost of a rental unit to the tenant, including the rent paid to the landlord, as well as an allowance for tenant-paid utilities computed in accordance with allowances published by DCA for its Section 8 program. In assisted living residences, rent does not include charges for food and services.

“Restricted unit” means a dwelling unit, whether a rental unit or ownership unit, that is subject to the affordability controls of N.J.A.C. 5:80-26.1, as may be amended and supplemented, but does not include a market-rate unit financed under UHORP or MONI.

“UHAC” means the Uniform Housing Affordability Controls set forth in N.J.A.C. 5:80-26.1 et seq.

“Very low-income household” means a household with a total gross annual household income equal to 30 percent or less of the median household income.

“Very low-income unit” means a restricted unit that is affordable to a very low-income household.

“Weatherization” means building insulation (for attic, exterior walls and crawl space), siding to improve energy efficiency, replacement storm windows, replacement storm doors, replacement windows and replacement doors, and is considered a major system for rehabilitation.

Section 3. Affordable Housing

The Borough of Hillsdale has determined that it will use the following mechanisms to satisfy its affordable housing obligations:

(a) A Rehabilitation program.

1. Hillsdale’s rehabilitation program shall be designed to renovate deficient housing units occupied by low- and moderate-income households such that, after rehabilitation, these units will comply with the New Jersey State Housing Code pursuant to N.J.A.C. 5:28.
2. The Borough participates in the Bergen County Home Improvement Rehabilitation Program for owner occupied and renter occupied units. The Borough will establish an alternative municipal rehabilitation program for renter occupied units.
3. For the alternative municipal rehabilitation program, all rehabilitated units shall remain affordable to low- and moderate-income households for a period of 10 years (the control period). For owner occupied units the control period will be enforced with a lien and for renter occupied units the control period will be enforced with a deed restriction.

4. For the alternative municipal rehabilitation program, the Borough of Hillsdale shall dedicate a minimum of \$10,000 for each unit to be rehabilitated through the program, reflecting the minimum hard cost of rehabilitation for each unit.
5. The Borough of Hillsdale shall adopt a resolution committing to fund any shortfall in the alternative municipal rehabilitation program.
6. The Borough of Hillsdale shall designate, subject to the approval of COAH, one or more Administrative Agents to administer the rehabilitation program in accordance with N.J.A.C. 5:96 and N.J.A.C. 5:97. The Administrative Agent(s) shall provide a rehabilitation manual for the rental occupancy rehabilitation program to be adopted by resolution of the governing body and subject to approval of COAH. Both rehabilitation manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).
7. Units in a rehabilitation program shall be exempt from N.J.A.C. 5:97-9 and Uniform Housing Affordability Controls (UHAC), but shall be administered in accordance with the following:
 - i. If a unit is vacant, upon initial rental subsequent to rehabilitation, or if a renter-occupied unit is re-rented prior to the end of controls on affordability, the deed restriction shall require the unit to be rented to a low- or moderate-income household at an affordable rent and affirmatively marketed pursuant to N.J.A.C. 5:97-9 and UHAC.
 - ii. If a unit is renter-occupied, upon completion of the rehabilitation, the maximum rate of rent shall be the lesser of the current rent or the maximum permitted rent pursuant to N.J.A.C. 5:97-9 and UHAC.
 - iii. Rents in rehabilitated units may increase annually based on the standards in N.J.A.C. 5:97-9.
 - iv. Applicant and/or tenant households shall be certified as income-eligible in accordance with N.J.A.C. 5:97-9 and UHAC, except that households in owner occupied units shall be exempt from the regional asset limit.

Section 4. Reserved

Section 5. Reserved

Section 6. Reserved

Section 7. Inclusionary Zoning

- (a) **Presumptive densities and set-asides.** To ensure the efficient use of land through compact forms of development and to create realistic opportunities for the construction of affordable housing, inclusionary zoning permits minimum presumptive densities and presumptive maximum affordable housing set-asides as follows [*Include only those Planning Areas applicable to the municipality*]:

1. For Sale Developments
 - i. Inclusionary zoning in Planning Area 1 permits residential development at a

presumptive minimum gross density of eight units per acre and a presumptive maximum affordable housing set-aside of 25 percent of the total number of units in the development;

The zoning of the AH-1 zone provides for a gross density of eight units per acre and an affordable housing set-aside of 25% of the total number of units in the development.

2. Rental Developments

- i. Inclusionary zoning permits a presumptive minimum density of 12 units per acre and a presumptive maximum affordable housing set-aside of 20 percent of the total number of units in the development and the zoning provides for at least 10 percent of the affordable units to be affordable to households earning 30 percent or less of the area median income for the COAH region.

The zoning of the AH-1 & AH-2 zones provides for a 20% percent set-aside for restricted units and a density of 12 units per acre.

3. Where an executed development agreement exists for affordable housing on a specific site or sites, list the sites below and identify the density and set-aside for each.

[List each affordable housing development and its density and set-aside.]

4. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.

- In the AH-1 Zone, the developer may choose a 100% residential development or a mixed use development containing both a residential component (including affordable units) and a nonresidential component.
- Both the AH-1 and AH-2 zones utilize the existing Commercial zone bulk regulations.

- (b) **Phasing.** In inclusionary developments the following schedule shall be followed:

Maximum Percentage of Market-Rate Units Completed	Minimum Percentage of Low- and Moderate-Income Units Completed
25	0
25+1	10
50	50
75	75
90	100

- (c) **Design.** In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.
- (d) **Payments-in-lieu and off-site construction.** Not permitted.
- (e) **Utilities.** Affordable units shall utilize the same type of heating source as market units within the affordable development.

Section 8. New Construction

The following general guidelines apply to all newly constructed developments that contain low- and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

(a) Low/Moderate Split and Bedroom Distribution of Affordable Housing Units:

1. The fair share obligation shall be divided equally between low- and moderate-income units, except that where there is an odd number of affordable housing units, the extra unit shall be a low income unit.
2. In each affordable development, at least 50 percent of the restricted units within each bedroom distribution shall be low-income units.
3. Affordable developments that are not age-restricted shall be structured in conjunction with realistic market demands such that:
 - i. The combined number of efficiency and one-bedroom units shall be no greater than 20 percent of the total low- and moderate-income units;
 - ii. At least 30 percent of all low- and moderate-income units shall be two bedroom units;
 - iii. At least 20 percent of all low- and moderate-income units shall be three bedroom units; and
 - iv. The remaining units may be allocated among two and three bedroom units at the discretion of the developer.
4. Affordable developments that are age-restricted shall be structured such that the number of bedrooms shall equal the number of age-restricted low- and moderate-income units within the inclusionary development. The standard may be met by having all one-bedroom units or by having a two-bedroom unit for each efficiency unit.

(b) Accessibility Requirements:

1. The first floor of all restricted townhouse dwelling units and all restricted units in all other multistory buildings shall be subject to the technical design standards of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.
2. All restricted townhouse dwelling units and all restricted units in other multistory buildings in which a restricted dwelling unit is attached to at least one other dwelling unit shall have the following features:
 - i. An adaptable toilet and bathing facility on the first floor;
 - ii. An adaptable kitchen on the first floor;
 - iii. An interior accessible route of travel on the first floor;
 - iv. An interior accessible route of travel shall not be required between stories within an individual unit;

- v. An adaptable room that can be used as a bedroom, with a door or the casing for the installation of a door, on the first floor; and
- vi. An accessible entranceway as set forth at P.L. 2005, c. 350 (N.J.S.A. 52:27D-311a et seq.) and the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, or evidence that the Borough of Hillsdale has collected funds from the developer sufficient to make 10 percent of the adaptable entrances in the development accessible:
 - A. Where a unit has been constructed with an adaptable entrance, upon the request of a disabled person who is purchasing or will reside in the dwelling unit, an accessible entrance shall be installed.
 - B. To this end, the builder of restricted units shall deposit funds within the Borough of Hillsdale's affordable housing trust fund sufficient to install accessible entrances in 10 percent of the affordable units that have been constructed with adaptable entrances.
 - C. The funds deposited under paragraph B. above shall be used by the Borough of Hillsdale for the sole purpose of making the adaptable entrance of any affordable unit accessible when requested to do so by a person with a disability who occupies or intends to occupy the unit and requires an accessible entrance.
 - D. The developer of the restricted units shall submit a design plan and cost estimate for the conversion from adaptable to accessible entrances to the Construction Official of the Borough of Hillsdale.
 - E. Once the Construction Official has determined that the design plan to convert the unit entrances from adaptable to accessible meet the requirements of the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14, and that the cost estimate of such conversion is reasonable, payment shall be made to the Borough of Hillsdale's affordable housing trust fund in care of the Municipal Treasurer who shall ensure that the funds are deposited into the affordable housing trust fund and appropriately earmarked.
 - F. Full compliance with the foregoing provisions shall not be required where an entity can demonstrate that it is site impracticable to meet the requirements. Determinations of site impracticability shall be in compliance with the Barrier Free Subcode, N.J.A.C. 5:23-7 and N.J.A.C. 5:97-3.14.

(c) Maximum Rents and Sales Prices

- 1. In establishing rents and sales prices of affordable housing units, the administrative agent shall follow the procedures set forth in UHAC and in COAH, utilizing the regional income limits established by COAH.
- 2. The maximum rent for restricted rental units within each affordable development shall be affordable to households earning no more than 60 percent of median income,

and the average rent for restricted low- and moderate-income units shall be affordable to households earning no more than 52 percent of median income.

3. The developers and/or municipal sponsors of restricted rental units shall establish at least one rent for each bedroom type for both low-income and moderate-income units.
 - i. At least 10 percent of all low- and moderate-income rental units shall be affordable to households earning no more than 30 percent of median income.

**NOTE: N.J.S.A. 52:27D-329.1 (P.L. 2008, C. 46) includes the requirement that all municipal fair share plans provide for the reservation of at least 13% of the affordable units for very low income households, i.e. households earning 30% or less of the median income. The new statute states that the requirement is not project-specific. Each municipality's version of this ordinance must reflect the determinations made in the Fair Share Plan as to the percentage of units necessary for very low income units in rental projects. Additional incentives to subsidize the creation of affordable housing available to very-low income households may be included in the zoning section of this ordinance or specified in a developer's or redeveloper's agreement.
4. The maximum sales price of restricted ownership units within each affordable development shall be affordable to households earning no more than 70 percent of median income, and each affordable development must achieve an affordability average of 55 percent for restricted ownership units; in achieving this affordability average, moderate-income ownership units must be available for at least three different prices for each bedroom type, and low-income ownership units must be available for at least two different prices for each bedroom type.
5. In determining the initial sales prices and rents for compliance with the affordability average requirements for restricted units other than assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household;
 - iii. A two-bedroom unit shall be affordable to a three-person household;
 - iv. A three-bedroom unit shall be affordable to a four and one-half person household; and
 - v. A four-bedroom unit shall be affordable to a six-person household.
6. In determining the initial rents for compliance with the affordability average requirements for restricted units in assisted living facilities, the following standards shall be used:
 - i. A studio shall be affordable to a one-person household;
 - ii. A one-bedroom unit shall be affordable to a one and one-half person household; and

- iii. A two-bedroom unit shall be affordable to a two-person household or to two one-person households.
- 7. The initial purchase price for all restricted ownership units shall be calculated so that the monthly carrying cost of the unit, including principal and interest (based on a mortgage loan equal to 95 percent of the purchase price and the Federal Reserve H.15 rate of interest), taxes, homeowner and private mortgage insurance and condominium or homeowner association fees do not exceed 28 percent of the eligible monthly income of the appropriate size household as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the price shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- 8. The initial rent for a restricted rental unit shall be calculated so as not to exceed 30 percent of the eligible monthly income of the appropriate household size as determined under N.J.A.C. 5:80-26.4, as may be amended and supplemented; provided, however, that the rent shall be subject to the affordability average requirement of N.J.A.C. 5:80-26.3, as may be amended and supplemented.
- 9. The price of owner-occupied low- and moderate-income units may increase annually based on the percentage increase in the regional median income limit for each housing region. In no event shall the maximum resale price established by the administrative agent be lower than the last recorded purchase price.
- 10. The rent of low- and moderate-income units may be increased annually based on the percentage increase in the Housing Consumer Price Index for the United States. This increase shall not exceed nine percent in any one year. Rents for units constructed pursuant to low- income housing tax credit regulations shall be indexed pursuant to the regulations governing low- income housing tax credits.
- 11. **Utilities.** Tenant-paid utilities that are included in the utility allowance shall be so stated in the lease and shall be consistent with the utility allowance approved by DCA for its Section 8 program.

The following general guidelines apply to all developments that contain low-and moderate-income housing units, including any currently unanticipated future developments that will provide low- and moderate-income housing units.

Section 9. Affirmative Marketing Requirements

- (a) The Borough of Hillsdale shall adopt by resolution an Affirmative Marketing Plan, subject to approval of COAH, compliant with N.J.A.C. 5:80-26.15, as may be amended and supplemented.
- (b) The affirmative marketing plan is a regional marketing strategy designed to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer, sponsor or owner of affordable housing. The affirmative

marketing plan is also intended to target those potentially eligible persons who are least likely to apply for affordable units in that region. It is a continuing program that directs all marketing activities toward COAH Housing Region 1 and covers the period of deed restriction.

- (c) The Administrative Agent designated by the Borough of Hillsdale shall assure the affirmative marketing of all affordable units consistent with the Affirmative Marketing Plan for the municipality.
- (e) In implementing the affirmative marketing plan, the Administrative Agent shall provide a list of counseling services to low- and moderate-income applicants on subjects such as budgeting, credit issues, mortgage qualification, rental lease requirements, and landlord/tenant law.
- (f) The affirmative marketing process for available affordable units shall begin at least four months prior to the expected date of occupancy.
- (g) The costs of advertising and affirmative marketing of the affordable units shall be the responsibility of the developer, sponsor or owner, unless otherwise determined or agreed to by the Borough of Hillsdale.

Section 10. Occupancy Standards

- (a) In referring certified households to specific restricted units, to the extent feasible, and without causing an undue delay in occupying the unit, the Administrative Agent shall strive to:
 - 1. Provide an occupant for each bedroom;
 - 2. Provide children of different sex with separate bedrooms; and
 - 3. Prevent more than two persons from occupying a single bedroom.
- (b) Additional provisions related to occupancy standards (if any) shall be provided in the municipal Operating Manual.

Section 11. Control Periods for Restricted Ownership Units and Enforcement Mechanisms

- (a) Control periods for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.5, as may be amended and supplemented, and each restricted ownership unit shall remain subject to the requirements of this Ordinance until the Borough of Hillsdale elects to release the unit from such requirements however, and prior to such an election, a restricted ownership unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) The affordability control period for a restricted ownership unit shall commence on the date the initial certified household takes title to the unit.
- (c) Prior to the issuance of the initial certificate of occupancy for a restricted ownership unit and upon each successive sale during the period of restricted ownership, the administrative agent shall determine the restricted price for the unit and shall also

determine the non-restricted, fair market value of the unit based on either an appraisal or the unit's equalized assessed value.

- (d) At the time of the first sale of the unit, the purchaser shall execute and deliver to the Administrative Agent a recapture note obligating the purchaser (as well as the purchaser's heirs, successors and assigns) to repay, upon the first non-exempt sale after the unit's release from the requirements of this Ordinance, an amount equal to the difference between the unit's non-restricted fair market value and its restricted price, and the recapture note shall be secured by a recapture lien evidenced by a duly recorded mortgage on the unit.
- (e) The affordability controls set forth in this Ordinance shall remain in effect despite the entry and enforcement of any judgment of foreclosure with respect to restricted ownership units.
- (f) A restricted ownership unit shall be required to obtain a Continuing Certificate of Occupancy or a certified statement from the Construction Official stating that the unit meets all code standards upon the first transfer of title that follows the expiration of the applicable minimum control period provided under N.J.A.C. 5:80-26.5(a), as may be amended and supplemented.

Section 12. Price Restrictions for Restricted Ownership Units, Homeowner Association Fees and Resale Prices

Price restrictions for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, including:

- (a) The initial purchase price for a restricted ownership unit shall be approved by the Administrative Agent.
- (b) The Administrative Agent shall approve all resale prices, in writing and in advance of the resale, to assure compliance with the foregoing standards.
- (c) The method used to determine the condominium association fee amounts and special assessments shall be indistinguishable between the low- and moderate-income unit owners and the market unit owners.
- (d) The owners of restricted ownership units may apply to the Administrative Agent to increase the maximum sales price for the unit on the basis of capital improvements. Eligible capital improvements shall be those that render the unit suitable for a larger household or the addition of a bathroom.

Section 13. Buyer Income Eligibility

- (a) Buyer income eligibility for restricted ownership units shall be in accordance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, such that low-income ownership units shall be reserved for households with a gross household income less than or equal to 50 percent of median income and moderate-income ownership units shall be reserved for households with a gross household income less than 80 percent of median income.

- (b) The Administrative Agent shall certify a household as eligible for a restricted ownership unit when the household is a low-income household or a moderate-income household, as applicable to the unit, and the estimated monthly housing cost for the particular unit (including principal, interest, taxes, homeowner and private mortgage insurance and condominium or homeowner association fees, as applicable) does not exceed 33 percent of the household's certified monthly income.

Section 14. Limitations on indebtedness secured by ownership unit; subordination

- (a) Prior to incurring any indebtedness to be secured by a restricted ownership unit, the administrative agent shall determine in writing that the proposed indebtedness complies with the provisions of this section.
- (b) With the exception of original purchase money mortgages, during a control period neither an owner nor a lender shall at any time cause or permit the total indebtedness secured by a restricted ownership unit to exceed 95 percent of the maximum allowable resale price of that unit, as such price is determined by the administrative agent in accordance with N.J.A.C.5:80-26.6(b).

Section 15. Control Periods for Restricted Rental Units

- (a) Control periods for restricted rental units shall be in accordance with N.J.A.C. 5:80-26.11, as may be amended and supplemented, and each restricted rental unit shall remain subject to the requirements of this Ordinance until the Borough of Hillsdale elects to release the unit from such requirements pursuant to action taken in compliance with N.J.A.C. 5:80-26.1, as may be amended and supplemented, and prior to such an election, a restricted rental unit must remain subject to the requirements of N.J.A.C. 5:80-26.1, as may be amended and supplemented, for at least 30 years.
- (b) Deeds of all real property that include restricted rental units shall contain deed restriction language. The deed restriction shall have priority over all mortgages on the property, and the deed restriction shall be filed by the developer or seller with the records office of the County of Bergen. A copy of the filed document shall be provided to the Administrative Agent within 30 days of the receipt of a Certificate of Occupancy.
- (c) A restricted rental unit shall remain subject to the affordability controls of this Ordinance, despite the occurrence of any of the following events:
 - 1. Sublease or assignment of the lease of the unit;
 - 2. Sale or other voluntary transfer of the ownership of the unit; or
 - 3. The entry and enforcement of any judgment of foreclosure.

Section 16. Price Restrictions for Rental Units; Leases

- (a) A written lease shall be required for all restricted rental units, except for units in an assisted living residence, and tenants shall be responsible for security deposits and the full amount of the rent as stated on the lease. A copy of the current lease for each restricted rental unit shall be provided to the Administrative Agent.

- (b) No additional fees or charges shall be added to the approved rent (except, in the case of units in an assisted living residence, to cover the customary charges for food and services) without the express written approval of the Administrative Agent.
- (c) Application fees (including the charge for any credit check) shall not exceed five percent of the monthly rent of the applicable restricted unit and shall be payable to the Administrative Agent to be applied to the costs of administering the controls applicable to the unit as set forth in this Ordinance.

Section 17. Tenant Income Eligibility

- (a) Tenant income eligibility shall be in accordance with N.J.A.C. 5:80-26.13, as may be amended and supplemented, and shall be determined as follows:
 - 1. Very low-income rental units shall be reserved for households with a gross household income less than or equal to 30 percent of median income.
 - 2. Low-income rental units shall be reserved for households with a gross household income less than or equal to 50 percent of median income.
 - 3. Moderate-income rental units shall be reserved for households with a gross household income less than 80 percent of median income.
- (b) The Administrative Agent shall certify a household as eligible for a restricted rental unit when the household is a very low-income, low-income household or a moderate-income household, as applicable to the unit, and the rent proposed for the unit does not exceed 35 percent (40 percent for age-restricted units) of the household's eligible monthly income as determined pursuant to N.J.A.C. 5:80-26.16, as may be amended and supplemented; provided, however, that this limit may be exceeded if one or more of the following circumstances exists:
 - 1. The household currently pays more than 35 percent (40 percent for households eligible for age-restricted units) of its gross household income for rent, and the proposed rent will reduce its housing costs;
 - 2. The household has consistently paid more than 35 percent (40 percent for households eligible for age-restricted units) of eligible monthly income for rent in the past and has proven its ability to pay;
 - 3. The household is currently in substandard or overcrowded living conditions;
 - 4. The household documents the existence of assets with which the household proposes to supplement the rent payments; or
 - 5. The household documents proposed third-party assistance from an outside source such as a family member in a form acceptable to the Administrative Agent and the owner of the unit.
- (c) The applicant shall file documentation sufficient to establish the existence of the circumstances in (b)1 through 5 above with the Administrative Agent, who shall counsel the household on budgeting.

Section 18. Administration

- (a) The position of Municipal Housing Liaison (MHL) for the Borough of Hillsdale is established by this ordinance. The Hillsdale Mayor & Council shall make the actual appointment of the MHL by means of a resolution.
1. The MHL must be either a full-time or part-time employee of the Borough of Hillsdale.
 2. The person appointed as the MHL must be reported to COAH for approval.
 3. The MHL must meet all COAH requirements for qualifications, including initial and periodic training.

**NOTE: if the MHL position is one that will always be included in the job description for a particular position in the local staff, e.g. Township Clerk, that position can be named in this ordinance.
 4. The Municipal Housing Liaison shall be responsible for oversight and administration of the affordable housing program for the Borough of Hillsdale, including the following responsibilities which may not be contracted out to the Administrative Agent:
 - i. Serving as the municipality's primary point of contact for all inquiries from the State, affordable housing providers, Administrative Agents and interested households;
 - ii. The implementation of the Affirmative Marketing Plan and affordability controls.
 - iii. When applicable, supervising any contracting Administrative Agent.
 - iv. Monitoring the status of all restricted units in the Borough of Hillsdale's Fair Share Plan;
 - v. Compiling, verifying and submitting annual reports as required by COAH;
 - vi. Coordinating meetings with affordable housing providers and Administrative Agents, as applicable; and
 - vii. Attending continuing education opportunities on affordability controls, compliance monitoring and affirmative marketing as offered or approved by COAH.
- (b) The Borough of Hillsdale shall designate by resolution of the governing body, subject to the approval of COAH, one or more Administrative Agents to administer newly constructed affordable units in accordance with N.J.A.C. 5:96, N.J.A.C. 5:97 and UHAC.
- (c) An Operating Manual shall be provided by the Administrative Agent(s) to be adopted by resolution of the governing body and subject to approval of COAH. The Operating Manuals shall be available for public inspection in the Office of the Municipal Clerk and in the office(s) of the Administrative Agent(s).

**NOTE: If it is decided that an employee of the municipality will act as administrative agent or if the Housing Affordability Service (HAS) of the Agency is selected, the determination of such can be included in this ordinance.

- (d) The Administrative Agent shall perform the duties and responsibilities of an administrative agent as are set forth in UHAC and which are described in full detail in the Operating Manual, including those set forth in N.J.A.C. 5:80-26.14, 16 and 18 thereof, which includes:
1. Attending continuing education opportunities on affordability controls, compliance monitoring, and affirmative marketing as offered or approved by COAH;
 2. Affirmative Marketing;
 2. Household Certification;
 3. Affordability Controls;
 4. Records retention;
 5. Resale and re-rental;
 6. Processing requests from unit owners; and
 7. Enforcement, though the ultimate responsibility for retaining controls on the units rests with the municipality.
 8. The Administrative Agent shall have authority to take all actions necessary and appropriate to carry out its responsibilities, hereunder.

Section 19. Enforcement of Affordable Housing Regulations

- (a) Upon the occurrence of a breach of any of the regulations governing the affordable unit by an Owner, Developer or Tenant the municipality shall have all remedies provided at law or equity, including but not limited to foreclosure, tenant eviction, municipal fines, a requirement for household recertification, acceleration of all sums due under a mortgage, recoupment of any funds from a sale in the violation of the regulations, injunctive relief to prevent further violation of the regulations, entry on the premises, and specific performance.
- (b) After providing written notice of a violation to an Owner, Developer or Tenant of a low- or moderate-income unit and advising the Owner, Developer or Tenant of the penalties for such violations, the municipality may take the following action against the Owner, Developer or Tenant for any violation that remains uncured for a period of 60 days after service of the written notice:
1. The municipality may file a court action pursuant to N.J.S.A. 2A:58-11 alleging a violation, or violations, of the regulations governing the affordable housing unit. If the Owner, Developer or Tenant is found by the court to have violated any provision of the regulations governing affordable housing units the Owner, Developer or Tenant shall be subject to one or more of the following penalties, at the discretion of the court:
 - i. A fine of not more than [*insert amount*] or imprisonment for a period not to exceed 90 days, or both. Each and every day that the violation continues or exists shall be considered a separate and specific violation of these provisions and not as a continuing offense;

- ii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment into the Borough of Hillsdale Affordable Housing Trust Fund of the gross amount of rent illegally collected;
 - iii. In the case of an Owner who has rented his or her low- or moderate-income unit in violation of the regulations governing affordable housing units, payment of an innocent tenant's reasonable relocation costs, as determined by the court.
- 2. The municipality may file a court action in the Superior Court seeking a judgment, which would result in the termination of the Owner's equity or other interest in the unit, in the nature of a mortgage foreclosure. Any judgment shall be enforceable as if the same were a judgment of default of the First Purchase Money Mortgage and shall constitute a lien against the low- and moderate-income unit.
- (c) Such judgment shall be enforceable, at the option of the municipality, by means of an execution sale by the Sheriff, at which time the low- and moderate-income unit of the violating Owner shall be sold at a sale price which is not less than the amount necessary to fully satisfy and pay off any First Purchase Money Mortgage and prior liens and the costs of the enforcement proceedings incurred by the municipality, including attorney's fees. The violating Owner shall have the right to possession terminated as well as the title conveyed pursuant to the Sheriff's sale.
- (d) The proceeds of the Sheriff's sale shall first be applied to satisfy the First Purchase Money Mortgage lien and any prior liens upon the low- and moderate-income unit. The excess, if any, shall be applied to reimburse the municipality for any and all costs and expenses incurred in connection with either the court action resulting in the judgment of violation or the Sheriff's sale. In the event that the proceeds from the Sheriff's sale are insufficient to reimburse the municipality in full as aforesaid, the violating Owner shall be personally responsible for and to the extent of such deficiency, in addition to any and all costs incurred by the municipality in connection with collecting such deficiency. In the event that a surplus remains after satisfying all of the above, such surplus, if any, shall be placed in escrow by the municipality for the Owner and shall be held in such escrow for a maximum period of two years or until such earlier time as the Owner shall make a claim with the municipality for such. Failure of the Owner to claim such balance within the two-year period shall automatically result in a forfeiture of such balance to the municipality. Any interest accrued or earned on such balance while being held in escrow shall belong to and shall be paid to the municipality, whether such balance shall be paid to the Owner or forfeited to the municipality.
- (e) Foreclosure by the municipality due to violation of the regulations governing affordable housing units shall not extinguish the restrictions of the regulations governing affordable housing units as the same apply to the low- and moderate-income unit. Title shall be conveyed to the purchaser at the Sheriff's sale, subject to the restrictions and provisions of the regulations governing the affordable housing unit. The Owner determined to be in violation of the provisions of this plan and from whom title and possession were taken by means of the Sheriff's sale shall not be entitled to any right of redemption.

- (f) If there are no bidders at the Sheriff's sale, or if insufficient amounts are bid to satisfy the First Purchase Money Mortgage and any prior liens, the municipality may acquire title to the low- and moderate-income unit by satisfying the First Purchase Money Mortgage and any prior liens and crediting the violating owner with an amount equal to the difference between the First Purchase Money Mortgage and any prior liens and costs of the enforcement proceedings, including legal fees and the maximum resale price for which the low- and moderate-income unit could have been sold under the terms of the regulations governing affordable housing units. This excess shall be treated in the same manner as the excess which would have been realized from an actual sale as previously described.
- (g) Failure of the low- and moderate-income unit to be either sold at the Sheriff's sale or acquired by the municipality shall obligate the Owner to accept an offer to purchase from any qualified purchaser which may be referred to the Owner by the municipality, with such offer to purchase being equal to the maximum resale price of the low- and moderate-income unit as permitted by the regulations governing affordable housing units.
- (h) The Owner shall remain fully obligated, responsible and liable for complying with the terms and restrictions of governing affordable housing units until such time as title is conveyed from the Owner.

Section 20. Appeals

Appeals from all decisions of an Administrative Agent designated pursuant to this Ordinance shall be filed in writing with the Executive Director of COAH.

REPEALER

All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

EFFECTIVE DATE

This ordinance shall take effect upon passage and publication as provided by law.

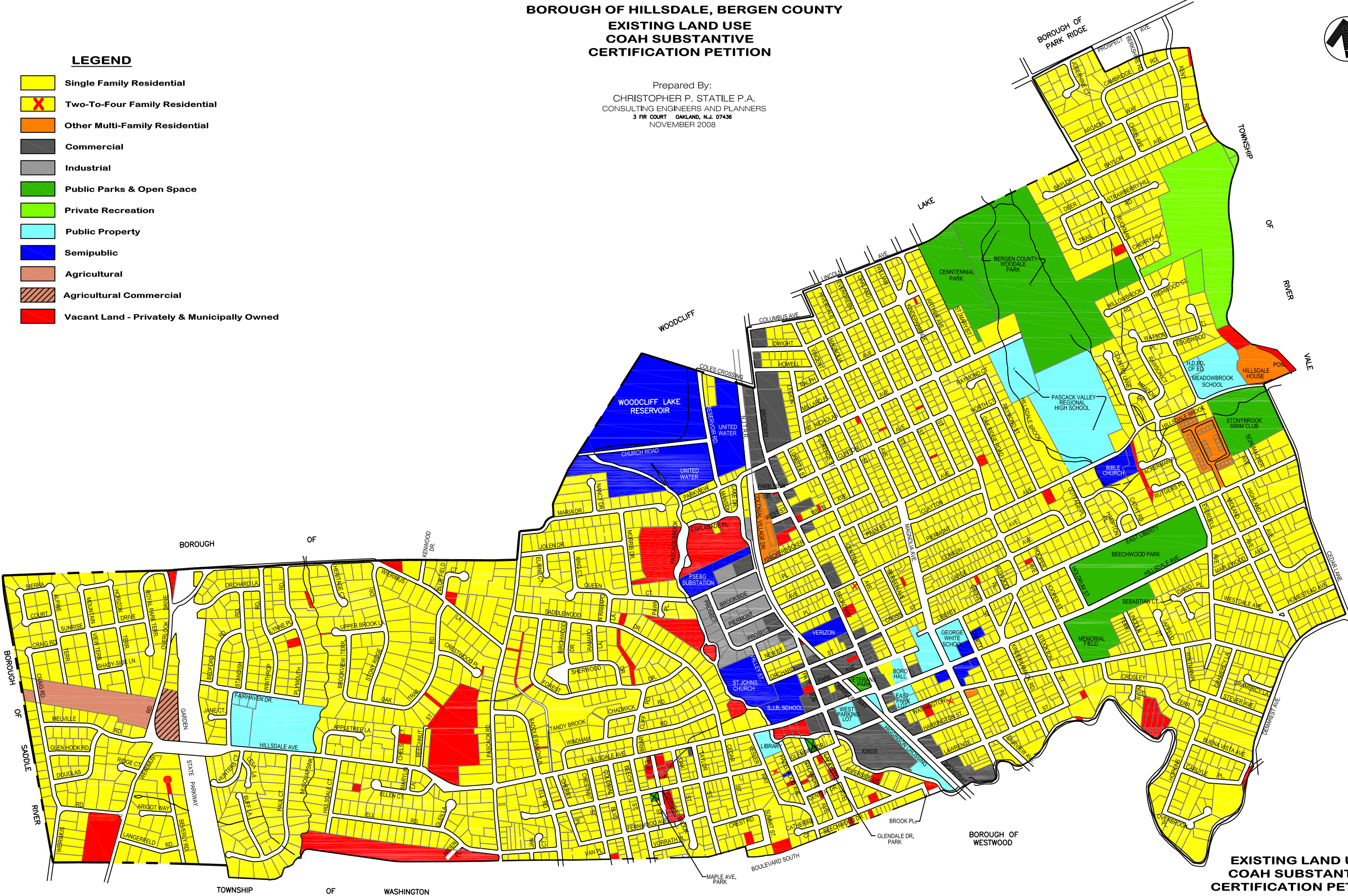
BOROUGH OF HILLSDALE, BERGEN COUNTY
EXISTING LAND USE
COAH SUBSTANTIVE
CERTIFICATION PETITION

Prepared By:
CHRISTOPHER P. STATILE P.A.
CONSULTING ENGINEERS AND PLANNERS
3 FIR COURT OAKLAND, N.J. 07436
NOVEMBER 2008



LEGEND

- Single Family Residential
- Two-To-Four Family Residential
- Other Multi-Family Residential
- Commercial
- Industrial
- Public Parks & Open Space
- Private Recreation
- Public Property
- Semipublic
- Agricultural
- Agricultural Commercial
- Vacant Land - Privately & Municipally Owned



EXISTING LAND USE
COAH SUBSTANTIVE
CERTIFICATION PETITION
NOVEMBER 2008